

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

**Town Offices upstairs meeting room
6 Pinnacle Hill Road, New Hampton, NH 03256**

February 1, 2023

MEMBERS PRESENT Regular members: Mr. Tierney, Mrs. Belanger, Mrs. Arsenault, Mr. Newman and Mr. Livernois.
Alternate members: Ms. Gattermann & Mr. Heckman

OTHERS PRESENT Land Use Administrator Mrs. Vose, Fire Chief Lang.

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

PUBLIC HEARING Mrs. Vose advised that the applicant, William Saber, 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 construct a garage with a portion of it being a one-bedroom accessory dwelling unit. To create an accessory dwelling unit (ADU) the applicants shall meet the definition and provisions under Article V, R. The property belonging to Jean, William II, and Susanne Saber, is located at 407 Main Street, Tax Map R-3, Lot #4A, in the General Residential, Agricultural, and Rural District (GR).

William Saber, 401 Main Street, Tax Map R-3, Lot 4A for a Special Exception - Article IV, Section A (3&5), of the New Hampton Zoning Ordinance.

Mr. Tierney provided the Board with copies of the floor plan submitted by Mr. Saber, with markups made by Mr. Tierney.

Mr. Saber was present. He said they are constructing a garage, for which a building permit has been obtained and would like to add a one-bedroom accessory structure in the garage. His mother lives on this property in the house and the family wants to consider moving to an ADU on the property in the future, to assist the mother.

Mr. Tierney asked what the use of the garage would be.? Mr. Saber replied, camper, motorcycles, older car, and storage. Since the drawing submitted shows the ADU as being on the 2nd floor, in addition to the 1st floor, Mr. Tierney asked what the 2nd floor of the garage would be that is not part of the ADU. Mr. Saber said it would be open with no floor, with the portion shown on the drawing as the ADU - being the only 2nd floor area.

Mr. Livernois asked what the 2nd egress was from the 2nd floor besides the stairway. Mr. Saber explained that below the 2nd floor, on one side, there would be a roof over the porch outside the 1st floor of the apartment. Someone would be able to exit a 2nd floor window to access this porch rooftop.

Mr. Tierney closed the public hearing so the board could go into deliberations.

Mr. Tierney asked if there was an adequate septic system and Mrs. Vose confirmed that there was a recent Approval for Construction for a 2-bedroom home with 1-bedroom ADU.

The Board confirmed the following requirements for an ADU:

- Only one ADU shall be permitted, either in a single-family dwelling or an accessory building.
- The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking, and sanitation.
- The ADU shall have an independent means of ingress and egress, which Mr. Saber advised that for the 1st floor there is a door from the garage to the stairway and a front door from the porch.
- The ADU shall be attached to or within the principal dwelling unit or accessory building.
- Either the ADU or principal dwelling unit is the owner's principal residence and legal domicile. Mr. Livernois confirmed that one of the property owners, Jean, is living in the existing home. Mr. Saber said if the ADU is constructed he and his wife would likely be living in it.
- An ADU in an accessory building shall not exceed 45% of the square footage of the floor area of that accessory building, to a maximum of 800 sq. ft. Mr. Tierney advised he calculated the square footage of habitable floor area at 785.5 sq. ft. After discussion on the square footage of the floor area of the accessory structure (garage) it was determined to be 1,882.5 sq. ft. with the ADU being 41% of that area.
- The ADU shall have no more than two bedrooms.
- An ADU shall be provided a minimum of 2 off-street parking spaces, in addition to primary dwelling unit parking requirements.
- An ADU shall make provision for adequate water supply and sewage disposal service.

The board reviewed the Special Exception requirements:

The specific site is an appropriate location for such use: Mr. Tierney advised he drove by the site and the area where the garage is proposed is a great distance from the road. The board agreed this criterion was met.

There is adequate area for safe and sanitary sewage disposal: The Board agreed based on the NHDES Approval for Construction.

The use will not adversely affect the adjacent area: Board members agreed this was true. It was noted the acreage of the lot was 4.65 acres.

There will be no nuisance or hazard created – AND – Adequate and appropriate facilities will be provided for the proper operation of the proposed use: Mr. Tierney advised that the drawing submitted doesn't show adequate fire protection relative to fire-rated sheetrock and it shows pocket doors, which are not fire-rated. His overall concern is with ensuring the ADU will be constructed in a manner to meet all the life safety/fire codes. He said an Occupancy Permit will be needed but would

like to ensure Mr. Saber doesn't incur unnecessary costs to correct this later when he creates the ADU. Mr. Tierney suggested approval of a set of plans from the Fire Dept. prior to constructing the ADU. Mrs. Vose suggested the board could place this condition for the approved plan to be submitted with the building permit application to create the ADU as currently the applicant has only obtained a permit to construct a garage for storage. Mr. Heckman asked what the heat source would be and Mr. Saber said it would be propane radiant heat. At this point it was not clear to the Board if Mr. Tierney was informing them in relation to the "Nuisance or Hazard" criterion, or to the "Adequate and appropriate facilities" criterion. It was a consensus of the Board that the "Nuisance or hazard" criterion had been discussed and was tied very closely to the "adequate and appropriate" criterion and the Board moved on.

The use will not impair the aesthetic values exhibited by the surrounding neighborhood: The Board agreed this was met.

The building, parking/or driveway area will not exceed the maximum percentage of lot coverage in the applicable zoning district: The board agreed based on the lot size.

Relative to the Agritourism criteria the board agreed this did not apply.

Mr. Newman made a motion, seconded by Mrs. Arsenault to approve the Special Exception for the ADU at 407 Main Street with the condition that the town is provided a set of drawings approved by Fire Chief Lang or Fire Dept. prior to issuing a building permit for the ADU. Vote was unanimous. Vote was unanimous.

MINUTES

Mr. Livernois made a motion, seconded by Mrs. Belanger to approve the 10/5/22. Vote was unanimous with Mrs. Arsenault, Mr. Newman, Ms. Gattermann and Mr. Heckman abstaining as they weren't present.

Mr. Heckman made a motion, seconded by Ms. Gattermann to approve the 12/7/22 as written. Vote was unanimous with Mrs. Belanger, Mrs. Arsenault, and Mr. Livernois abstaining as they weren't present.

Ms. Gattermann made a motion, seconded by Mr. Newman to approve the 1/4/22 as written. Vote was unanimous with Mrs. Arsenault abstaining as she had not been physically present that night.

ADJOURNMENT

Mrs. Belanger made a motion, seconded by Mr. Livernois to adjourn at 7:46 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Land Use Administrator