

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

**SITE VISIT – 17 BAY VIEW ROAD  
NEW HAMPTON, NH 03256  
July 11, 2009**

**MEMBERS PRESENT**

Mr. Hofling, Mr. Smith, Mr. Orvis, Mr. Frazier

**OTHERS PRESENT**

Ruth Lee, abutter, and Brad Crosby

**CALL TO ORDER**

Mr. Hofling called the meeting to order at 9:00 a.m.

Mr. Hofling appointed Mr. Smith as a voting member for this morning's proceedings.

**PUBLIC HEARING**

*Patricia McEachern;  
Appeal for a Variance  
under Article V, Section  
D, of the New Hampton  
Ordinance*

Mr. Hofling advised that this is continuation of a public hearing and that the applicant's proposal is to construct a septic system within the 20 foot setback of the side and rear property lines.

Neither Ms. McEachern or the septic designer were present.

The Board observed a stream flowing from a 3 foot culvert on the hill where the railroad tracks were.

The Board looked at the location where the trailer and add on structure had been previously located and reviewed the location of the pins which showed the property lines.

The Board compared the plot plan and some flags on site to determine where the septic system is designed to be placed.

The Board discussed the point brought up by Mr. Nodden, Septic Designer, that the property owner may seek to purchase the abutting lot (U13-6) to avoid the appeal for a variance.

Mr. Orvis stated he did not see how the Board could grant the variance due to the proximity of the brook to the system, as it is closer than the 75 feet required by the State. The other Board members agreed.

Based on the information as presented, it was moved by Mr. Hofling, seconded by Mr. Frazier that the appeal be denied without prejudice. Vote was unanimous.

**ADJOURNMENT**

At 9:20 a.m. it was moved by Mr. Hofling, seconded by Mr. Smith that the meeting be adjourned. Vote was unanimous.

**SITE VISIT – 51 ANCHORAGE ROAD  
NEW HAMPTON, NH 03256  
July 11, 2009**

**MEMBERS PRESENT**

Mr. Hofling, Mr. Smith, Mr. Orvis, Mr. Frazier

**OTHERS PRESENT**

Deb Hinds, Septic Designer, and Mrs. Bernstein

**CALL TO ORDER**

Mr. Hofling called the meeting to order at 9:30 a.m.

Mr. Hofling appointed Mr. Smith as a voting member for this morning's proceedings.

**PUBLIC HEARING**

*Edward & Judith Bernstein  
Appeal for a Variance  
under Article IV, Section  
A(4)iii, of the New  
Hampton Ordinance*

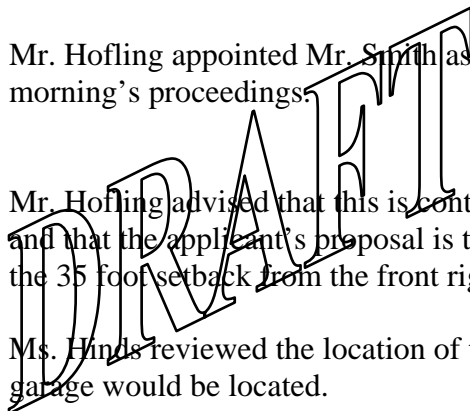
Mr. Hofling advised that this is continuation of a public hearing and that the applicant's proposal is to construct a garage within the 35 foot setback from the front right-of-way.

Ms. Hinds reviewed the location of the pins showing where the garage would be located.

Mr. Orvis inquired as to the location of the approach to the proposed garage and Ms. Hinds showed how it would curve in to avoid an area of ledge.

Mr. Orvis asked if Anchorage Road was a private road. Ms. Hinds advised that it is a class V road to the cul-de-sac and then it becomes a private road.

The Board measured the distance from the closest edge of the proposed garage to the edge of the right-of-way. Ms. Hinds advised that the actual center of the right-of-way is not in the center of the road, but actually in the swamp area. Mr. Orvis confirmed the measurement of 9'8" from the right-of-way.



The Board reviewed what will be a narrow entry onto the property and into the garage because of the right-of-way, ledge and power line easement and Mrs. Bernstein stated she would not have a problem that it being that way.

Mr. Smith stated his concern with emergency vehicles being able to access the property as the entrance would be very narrow. Ms. Hinds advised that she didn't think it would be a problem as the home is not that far from the right-of-way.

The Board looked at the location of the current septic system.

Ms. Hinds advised that the rock which is causing the issue with the narrow access could be split and a portion removed. Mrs. Bernstein said that the large tree nearby is one that she would like to keep. Mrs. Bernstein said she would be willing to move the entrance to the property if needed.

Mr. Orvis expressed his concern with snow removal on the Bernstein property once the garage is built. He said he did not feel that construction of the garage would be a problem relative to snow removal on Anchorage Road, though. Mrs. Bernstein advised that Mr. Gardnier was present at the first hearing and as he is head of the Winona Association, he had no problem with the placement of the garage.

There was some discussion on another location for the garage, but it was the consensus of the Board that it would be too close to the side property line.

Mr. Smith stated his concern again for the width of the entrance and Mr. Orvis advised that Mrs. Bernstein said she was willing to have a portion of the rock removed, which would allow the extra room for emergency vehicles. Mr. Hofling asked Mr. Frazier to take a measurement from the large oak to the corner of the proposed garage. It measured slightly over 12 feet. Mr. Hofling advised that if the Board were to approve the variance they would do so with the condition that a portion of the rock be removed.

The Board discussed the conditions supporting the request for the Variance under Section 3 of the Application for Appeal. Mr. Orvis said that it appeared there was enough room if the road was ever widened in the future. Mr. Smith advised that an abutter had no issue with it.

Based on the information as presented, it was moved by Mr. Orvis, seconded by Mr. Frazier that the appeal be granted with the condition that a portion of the rock be removed and the space

between the large oak and garage be no less than 12 feet. Vote was unanimous.

**ADJOURNMENT**

At 9:46 a.m. it was moved by Mr. Frazier, seconded by Mr. Orvis that the meeting be adjourned. Vote was unanimous.

Respectfully Submitted,

Pam Vose  
Secretary

DRAFT