

**TOWN OF NEW HAMPTON
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
TOWN OFFICE
NEW HAMPTON, NH 03256
July 1, 2009**

MEMBERS PRESENT

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

OTHERS PRESENT

Mrs. Vose, Septic Designer Charles Noddin, Abutters

CALL TO ORDER

Mr. Hofling, Acting Chair, called the meeting to order at 7:00

Mr. Hofling appointed Mr. Smith to vote in place of Mrs. Erler.

PUBLIC HEARING

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

Mr. Hofling advised that this is a hearing on the application submitted by Ms. McEachern. Ms. McEachern has requested a Public Hearing in accordance with RSA 676:7, for a Variance under Article V, Section D, of the New Hampton Zoning Ordinance. The applicant's proposal is to construct a septic system within the 20' setback of the side and rear property lines.

The property is located at 17 Bay View Road, Tax Map U-13, Lot #7, in the General Residential Agricultural and Rural District and Waukewan Watershed Overlay District.

Mrs. Vose reported that abutters were notified as per RSA on 6/19/09. Abutter Ruth Lee was present.

Septic designer, Charles Nodden, was present to represent the application.

Mr. Nodden advised that he has been involved with the property for several years, through 2 other owners, for site assessments. Mr. Nodden advised there had been an existing structure and there is a well, as shown on the plan submitted. The Board reviewed photos taken of the site which showed pictures of the previous structure. He said that the lot is substandard. Mr. Nodden advised he was not able to get information from the previous owners relative to what type of system was in place. He said that the property owner wants to place a mobile home on the site and can do so without going into the setback areas but in order to maintain the 75 foot distance from the abutter's well to the system, a variance is needed. He said that the proposed system will not meet the 75 foot setback from Ms. McEachern's well, therefore a waiver will be requested. Mr. Nodden advised that the property has been surveyed.

Mr. Orvis asked what was currently on abutting lot #6. Mr. Nodden advised that it was vacant, with the exception of a privy.

Mr. Smith inquired as to the distance to the property line from the system, where it comes closest. Mr. Nodden advised it was 13 feet from one property line and 15 feet from the other.

Mr. Hofling stated that the 75 foot well radius was the most critical. Mr. Nodden advised that the system was exactly 75 feet from the abutter's well.

Jonathan Berry, Lot #1, advised that the storm run-off shown on the plan is a brook that runs year round, is spring fed, and runs directly to the swimming area. He said that it appears the proposed septic system is 35-40 feet from the brook. He advised that he doused the original dug well on the McEachern lot and it is the same vein as the brook. Mr. Nodden stated that if this is true then this system would need to be a minimum of 50 feet from that and it is not.

Ms. Lee advised that this brook is eroding her property and she is required to go through DES to take any steps to protect her property from this brook as the state considers it wetlands.

Mr. Hofling advised that Lee Gardinier (present), 31 Anchorage Road, submitted several photos showing the condition of the brook, which were reviewed by those present.

Mr. Hofling advised that the board should perform a site visit to see it for themselves.

There was some discussion relative to various times the brook had flooded over the past 30 years. There was discussion relative to the location of Ms. Lee's septic system location.

Mr. Nodden advised that Ms. McEachern is approaching the owners of lot #6 to see if she can purchase that lot and merge it with her lot, which would solve the setback issue.

It was moved by Mr. Orvis, seconded by Mr. Frazier, to continue the hearing to July 11, 2009 at 9:00 am at 17 Bay View Road. Vote was unanimous.

PUBLIC HEARING

Edward & Judith Bernstein,

Mr. Hofling advised that this is a hearing on the application submitted by Deborah Hinds, Septic Designer, for Edward &

*Appeal for a Variance
under Article IV, Section
A.4.iii, of the New Hampton
Zoning Ordinance*

Judith Bernstein. Ms. Hinds has requested a Public Hearing in accordance with RSA 676:7, for a Variance under Article IV, Section A.4.ii, of the New Hampton Zoning Ordinance. The applicant's proposal is to construct a garage within the 35' setback of the front right of way.

The property is located at 51 Anchorage Road, Tax Map U-12, Lot #11, in the General Residential Agricultural and Rural District and Waukegan Watershed Overlay District.

Mrs. Vose reported that abutters were notified as per RSA on 6/19/09. Abutter, Mr. Gardinier, was present. When asked whether any abutter's were heard from, Mrs. Vose advised that she received a phone call from John Weekes. Mrs. Vose said that when she explained where the garage was being constructed and that it was not within the side setback to Mr. Weekes' property he stated he was fine with it.

Ms. Hinds advised that the proposal is to construct an 18' by 24' garage within the 35' setback of the front right of way. She stated there was a survey done, which shows that Anchorage Road cuts into the Bernstein property along the front right of way boundary and that the actual physical road is not in the center of the right of way.

Ms. Hinds advised that they were asking for the variance from the front right of way for several reasons. From the road to the existing house is a steep slope; there is a power line easement running through the property; the other side of the road is mostly wet; and there is ledge in the area of the Bernstein's well.

Ms. Hinds has advised that this garage is for storage purposes and will be 9.8 feet from the front property line. She advised that there will be no spotlights that will cause a problem for the abutters or for anyone traveling on Anchorage Road. She said that they will be able to keep several trees between the road and the proposed garage, which would be painted brown to match the house.

Mr. Hofling inquired as to whether there was any plan to connect the garage to the house and Ms. Hinds advised there was not as that would mean a structure under the easement.

Mr. Orvis asked if the proposed structure would cut into the existing driveway and Ms. Hinds advised it would but there were no plans for a major over-hall to the driveway.

Mr. Gardinier stated he was pleased that the structure would be brown and that some trees would be kept.

It was moved by Mr. Frazier seconded by Mr. Smith, to continue the hearing to July 11, 2009 between 9:00 and 10:00 am at 51 Anchorage Road. Vote was unanimous.

MINUTES

It was moved by Mr. Frazier, seconded by Mr. Smith to accept the minutes of the March 4, 2009. Vote was unanimous.

CORRESPONDENCE

The Board discussed information relative to upcoming changes to an RSA regarding unnecessary hardship definitions.

ADJOURNMENT

At 8:05 p.m. it was moved by Mr. Smith, seconded by Mr. Orvis that the meeting be adjourned. Vote was unanimous.

Respectfully Submitted,
Pam Vose
Secretary