



TOWN OF NEW IPSWICH

661 Turnpike Rd, New Ipswich, NH 03071

ZONING BOARD OF ADJUSTMENTS



Meeting Minutes January 4, 2024

The Zoning Board of Adjustments (ZBA) held a meeting at the Town Office, 661 Turnpike Road, New Ipswich, New Hampshire, on Thursday, January 4, 2024 at 6:00 p.m.

1. Call to Order and Seating of Alternates

Chairman Walker Farrey called the meeting to order at 6:08 PM.

Present at the meeting were Chair Walker Farrey, Alternates Michelle Saari and Dwayne White. Staff present included Land Use Clerk Jennifer Worth.

Michelle Saari and Dwayne White act as affirmative members.

2. Application Review

- a. **Case ZBA-2024-1:** Application for a special exception from Graham Heagy, Map 8 Lot 90-3, 40 Smithville Road, requesting from Article 13, Section N of Zoning Ordinance to permit construction of apartment above garage (ADU).

The applicant presents application. It was noted that the application was missing the correct zoning ordinance being requested. Chair noted, that it is Zoning Ordinance Article 13, Section N. Clerk will make sure this is filed in office.

Board determined that the abutter's list is accurate. All those who need to be included on the list are presented to the ZBA. There are nine abutter's on the list. A fee determination was made. Applicant provides all supporting documents. ZBA members will consider application complete with the condition that applicant will provide more detailed answers for the questions on the application during the public hearing of this case. Details are beneficial to paint a picture of the proposed construction of the ADU (accessory dwelling unit). Chair advises that the Zoning Ordinances Handbook is a resourceful tool for creating responses to an application. Specific information to ADUs can be found on pages 40 through 42.

Mr. Heagy speaks about the purpose of the ADU and how once it is constructed it will provide additional housing in town.

Walker Farrey motions to accept the application requested for a special exception (ADU) from Article 13, Section N of the Zoning Ordinance pending payment of fees. Dwayne White

seconds. Public Hearing for Case ZBA-2024-1 was set for February 1, 2024 at 6:00 p.m. The motion passed unanimously.

- b. **Case ZBA-2024-2:** Application for an appeal of administrative decision of the Board of Selectmen to be reviewed from Dean Pacheco, Map 3 Lot 92-2, 110 Lower Pratt Pond Road, requested from Article 2, Section IV of the Zoning Ordinance in question to appeal stop order.

Dwayne White recuses as an affirmative member.

Chair states, ZBA does not have a quorum to discuss the case. Those still seated noted application is incomplete due to missing supporting documents, i.e. no abutter's list, no tax map and no payment submitted as to date. For these reasons, the board continues Case ZBA-2024-2 to Thursday February 1, 2024 at 6:00PM.

6:44 PM - Member Lou Alvarez is present and called to order as an affirmative member.

3. **Approval of Minutes**

Dwayne White acts again as an affirmative member.

Dwayne White motions to approve and accept the December 7, 2023 meeting minutes. Lou Alvarez seconds. The motion passed unanimously.

4. **New Business**

a. **Blind Copies**

Chair reminds the board to only reply to sender when responding to e-mails with members of the ZBA. The reason for BCCs is to avoid holding a quorum with in e-mail responses.

b. **Changes to ZBA Bills in 2024**

Lou Alvarez brings to the attention the ZBA to pay attention to new ZBA Bills going into effect. A statue may change when it comes to ADUs. The new bill if passed may permit for two ADUs per parcel with a special exception appeal.

c. **Public comment from James Coffey**

Mr. Coffey brings up concerns with the parcel addressed as 445 Turnpike Road. He has received a written decision in the form of a letter from the Board of Selectmen about code enforcement of a registered trucking business at 445 Turnpike Road. Mr. Coffey believes that the parcel owner needs to act on Zoning Ordinances and should have to file for a special exception to keep his business on his parcel. Mr. Coffey would like to appeal this administrative letter and ask for help from the ZBA. ZBA will determine if a letter can be appealed or not and if there is any action that can be taken now that the Selectmen have decided that enforcement is not needed. The ZBA also advised Mr. Coffey that in the meantime, he can file an application of an appeal of an administrative decision.

6. **Adjournment**

There being no further business to come before the Zoning Board of Adjustments, Dwayne White motioned to adjourn the meeting at 7:18 p.m. Lou Alvarez seconded the motion. The motion passed unanimously.

Respectfully Submitted,
Jennifer Worth - Land Use Clerk