

3 - August 2023
Zoning Board of Adjustment Meeting Minutes

The New Ipswich Zoning Board of Adjustment [ZBA] conducted a public meeting on Thursday, 3-August 2023, from 7:00 PM to 9:00 PM at the Town Office. The table below lists the attendees.

ConCom Member	Present	Absent
Walker Farrey, ZBA Chairperson	X	
Danielle Sikkila, ZBA Vice-Chairperson	X	
Lou Alvarez, ZBA Member	X	
David Lage, ZBA Member	X	
Jeff Muhonen, ZBA Member	X	

Public in Attendance: Kathryn & Juha Seppala, Lawrence Edison, Dawn Elliott, and Frank Barrus.

Walker Farrey called the meeting to order and did a roll call.

Case ZBA 2023-08 Hearing: 57 Fox Farm Road – Special Exemption ADU

Kathryn and Juha Seppala presented a special exception for the property at 57 Fox Farm Road [Map 8 – Lot 42]. Kathryn Juha read from the application (Criteria 1-5). She states they would like to construct a garage on the property with an apartment over. The specific site is an appropriate location for such use. This is a two family, residential lot in the rural district consisting of a house, a cottage, a small barn and a few sheds on 9.29 acres. Building an apartment over an attached garage would be in keeping with the residential use. An in-law apartment over an attached garage will not have an adverse effect on the adjacent area, as it is a very common use in the rural district. Also, our intent is not to increase the number of residents on the property, but to provide more flexible household arrangements for those currently residing at this property. This project will not be a nuisance or hazard to vehicles or pedestrians as there is plenty of off-road parking on site, the house is set back a ways from road, and it will not increase traffic at all. Water, sewage, and heat will all be tied into the existing systems. Accessory dwelling units are listed in the Master Plan as a way to promote housing opportunities.

Chairman Farrey states that it is listed as a 9.29 acre lot. Currently is zoned for a two-family residency. Kathryn replies, we are zoned for a two family, which actually consists of a two small single family homes, it is not like a duplex. Kathryn is then asked if she knows when the structures were built and if she was the one to construct or if the property was purchased that way. Kathryn states that yes, when purchased, the two separate structures were there. The property was purchased 30 years ago (1993) and the structures have been replaced over the years. The original structures were built in 1977. It had a house and a small separate detached apartment on the property which was eventually turned into a small shed. There are no hookups to the shed. The original garage had a fire but was never replaced. There were electric and water hookups to the old garage so instead of rebuilding, a cottage was constructed in its place. Ten years ago, The Seppala's tore down the original home on the property and built a new one.

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David Lage states that ordinances allows ADUs only on a single family unit, but the applicant already has two single family units on the property, which is the cottage. The property is unique because it predates zoning ordinances and was allowed previous ADU because it was grandfathered in.

Lou Alvarez asked Kathryn if the proposed apartment above garage would have access to the house and if it would have hookup access through the house. Applicant says, yes, the apartment will have access to the main house. Lou then asks, if this is true it would technically not be an ADU but just a room over the garage? This was discussed and the result of the conversation was that even with having septic and a kitchen this matter could be considered an extension.

Walker Farrey added that the intent of the RSA to allow ADUs was to utilize existing properties to add one more dwelling unit on existing pieces of land and utilize the same infrastructure. After reviewing RSAs and other options it was stated that this lot is a non-conforming lot by today's standards.

It was asked if there were any abutter's in the room. Dawn Elliott and Frank Barus were in attendance [residents of 77 Fox Farm Road]. They attended in support and had no comments.

Lou Alvarez motioned to close public hearing. Jeff Muhonen seconded, and all members were in favor.

The following provides a summary of the zoning board deliberations (Criteria 1-5):

1. Rural District, 9.2 acres, 125 feet side setbacks, adequate size property, private area, 90 foot setback adding to existing structure, and utilizing peak.
2. 9.2 acres residential use, not changing use, adding a garage with dwelling on top.
3. Fox Farm Road – quiet area, off road parking.
4. Copy of plan shows they can add to existing field less impact by adding to existing structure.
5. No input from other boards. ADU listed in the Master Plan and need more housing in town. Resident is working.

David Lage motioned to approve ADU as submitted. Danielle Sikkila seconded. There was no further discussion and all members were in favor.

7:50 PM

Case ZBA-2023-10 Application Hearing: 57 North Road Special Exemptions ADU

Daniel Cagua-Koo for the property at 57 North Road [Map 7 – Lot 47-2] withdrew his application on August 2, 2023. The case will be closed. This applicant has an outstanding account balance with the town. It was decided that he should only be responsible to pay the for the abutter's letter that had already gone out before applicant withdrew the application. The amount for sending the abutters letters via certified mail was: \$68.24. An invoice will be sent to Mr. Cagua-Koo in that amount.

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Old / New Business:

The board reviewed the minutes for 4-May 2023 and 13-July 2023 ZBA meeting. It was requested to amend. A motion to approve these minutes as amended was made by Walker Farrey. Seconded by David Lage. All members in favor.

It was discussed amongst the board members that the last meeting was lengthy. It did not end till almost 12:00a. It was stated that meetings should not go past 10:00PM because after that, cognitive decisions may not be made.

Also, noted that the fee calculations need to be updated per fee schedule.

The Board reviewed the ZBA Rules and Procedure Handbook. ZBA would like to have the logo changed. Revisions were approved. The Board would like to just compare the documents to the State version for accuracy. Also, to review the forms that the State recommends for ZBA and make sure the Town's ZBA forms are mirrored to the State's. Will continue this conversation on October 5, 2023.

9:00 PM

Dave Lage made a motion to adjourn the meeting. Danielle Sikkila seconded the motion. All members were in favor.

Submitted by,
Deborah Deaton
Town Administrator