

**Zoning Board of Adjustment
Meeting Minutes
June 5, 2025**

The Zoning Board of Adjustment (ZBA) held a meeting at the Town Office, 661 Turnpike Road, New Ipswich, New Hampshire, on Thursday, June 5, 2025, at 7:00PM.

1. Call to Order and Seating of Alternate

Chair Danielle Sikkila called the meeting to order at 7:02 PM. Present at the meeting were Chair Danielle Sikkila, member David Lage, Alternate Michelle Saari and staff ZBA Clerk Jennifer Worth. Michelle Saari is appointed as an affirmative member.

2. Public Hearings

- **Case ZBA 2025 3:** for a special exception from Michael and Elizabeth Bangs., Map 2 Lot 3H-A, 257 Timbertop Road, requested from Article XIII Section N of the Zoning Ordinance to permit an attached Accessory Dwelling Unit (ADU) inside garage.

The applicant was not present. Nikki O'Neill, representative of the applicant, was present. The board informed Ms. O'Neill that the board was not full. Representation would like to proceed with the public hearing on the Bangs' behalf. The application was presented to the board with the five criteria of the special exception. The board reviews the construction & ISDS plans for the ADU and determines that plans are very clear and concise. Please see the records on file.

Chair opens the floor to public comment.

Richard – 275 Timbertop Road: Came to public hearing to have some questions answered but the information he was wanting to obtain was all provided in the presentation by Ms. O'Neil. Main concerns were with the ISDS system, but he is ok with the plans submitted.

Chair motions to close public comment and go into board deliberations. David Lage seconds. All in favor. The motion passed unanimously. The board deliberates and discusses the finding of facts for the special exception. **Summary of the facts of the case discussed at the public hearing:**

1. *The specific site is an appropriate location for the proposed use because* the ADU is designed to fit within the existing footprint and dimensions of the current garage structure (787 square feet). As a result, the visual and physical character of the neighborhood will remain unchanged, and the surrounding area is unlikely to perceive any noticeable difference.
2. *The proposed use will not adversely affect the adjacent area because* due to the substantial size of the parcel (11 acres) and provides significant natural buffers and separation from neighboring lots. As previously noted, the structure in question is a garage. The ADU does not create any disturbances or negative impacts on the surrounding area.
3. *There will be no nuisance or serious hazard to vehicles or pedestrians because* adequate on-site parking already exists, ensuring that there will be no need for overflow onto public roads or neighboring properties.
4. *Adequate and appropriate facilities will be provided for the proper operation of the proposed use because* the site has been thoughtfully and carefully designed to minimize impacts on the surrounding area. Both

the construction plans (dated: 11/26/2024, see files on record) and the Individual Sewage Disposal System (ISDS) (NHDES work #: 202501144) fully comply with the requirements of the NI zoning ordinance, and the ISDS has received approval from New Hampshire Department of Environmental Services (NHDES).

Approval of the special exception is consistent with the Master Plan because the Master Plan encourages Accessory Dwellings Units to support housing needs in New Ipswich.

David Lage motions to approve the special exception to permit an attached ADU inside the garage at 257 Timbertop Road. Michelle Saari seconds. All in favor. The motion passed unanimously.

- **Case ZBA 2025 2:** for a special exception from Daniel and Patricia Chalke., Map 16A Lot 32, 4 Lafleur Drive, requested from Article XIII Section N of the Zoning Ordinance to permit a 12' x 24' Accessory Dwelling Unit (ADU).

The board informed Mrs. Chalke that the board was not full. She would like to proceed with the public hearing. During the application review, the Board requested an inspection report from the Building Inspector/Code Enforcement Officer, as the ADU had been constructed without obtaining the required permits, inspections, or a certificate of occupancy. The Board also requested the submission of a site plan showing the ISDS system, elevation data, and all existing structures on the property to be presented at the scheduled hearing. In response, Mrs. Chalke submitted an engineered ISDS plan that includes the construction of an ADU, elevation information, and setback lines. However, the plan did not depict the second gravel driveway that provides direct access to the ADU. Documentation of this second driveway was submitted separately by the applicant, in the form of photographs, as part of the retroactive permit application for the ADU.

To date, the applicant has not scheduled the required inspection with the Building Inspector. Mr. Lage noted that the ISDS plans indicate there is no direct connection between the ADU and the septic system. Instead, the ISDS, electrical, and water services are all tied into the main dwelling's systems. The only independent utility serving the ADU is the heating system, which consists of a standalone heater located within the unit.

Mrs. Chalke presented to the board the application with the five criteria of the special exception. Please see the records on file. Chair opens the floor to public comment.

Jennifer Worth – 248 Turnpike Road: Asked the property owner if they were aware of the light pollution projected from the ADU. There is not much for a natural buffer and the ADU is visible from windows at night. Ms. Worth asked if there was a plan to put fencing up. Mrs. Chalke said yes and that they already put posts up for fencing.

Chair motions to close public comment and go into board deliberations. David Lage seconds. All in favor. The motion passed unanimously. The board deliberates and discusses the finding of facts for the special exception. **Summary of the facts of the case discussed at the public hearing:**

1. *The specific site is an appropriate location for the proposed use because the parcel exceeds two acres in size, the ADU is subordinate in use and scale to the main dwelling, and the structure is situated within the setback requirements established by the Zoning Ordinance for ADUs.*

2. *The proposed use will not adversely affect the adjacent area because the parcel provides ample space to accommodate the ADU, and no significant impacts to neighboring properties are anticipated.*
3. *There will be no nuisance or serious hazard to vehicles or pedestrians because the proposed ADU includes a second driveway that provides adequate on-site parking. Lafleur Drive is accessed from Turnpike Road, an existing high-traffic area, and the proposed use is not expected to generate traffic volumes that would materially impact roadway safety or capacity.*
4. *Adequate and appropriate facilities will be provided for the proper operation of the proposed use because adequate and appropriate facilities will be provided for the proper operation of the proposed use. The property owners have submitted an engineered Individual Sewage Disposal System (ISDS) plan (dated: 4/26/2025) that complies local regulations. Additionally, any outstanding concerns, including those raised by Haffner's (see Building Inspector's letter on file), will be addressed through the required inspections conducted by the Building Inspector in accordance with applicable NH building codes and enforcement procedures*
5. *Approval of the special exception is consistent with the Master Plan because the Master Plan encourages Accessory Dwellings Units to support housing needs in New Ipswich.*

David Lage motions to approve the special exception for the ADU located at 4 Lafleur Drive, with the following conditions:

1. The applicant must obtain approval from the Board of Selectmen for the second driveway.
2. The second driveway must comply with the New Ipswich driveway regulations.
3. The ADU structure must be inspected by the Code Enforcement Officer and found to be in compliance with NH building codes.

Michelle Saari seconds. All in favor. The motion passed unanimously.

- **Case ZBA 2025 1:** for a special exception from the Mettleider Family Trust, Map 11 Lot 27, 102 Thayer Road, requested from Article XIII Section N (1,3. b) of the Zoning Ordinance to permit a 29x50 carriage shed style Accessory Dwelling Unit (ADU).

Lori Rautiola represents the property owners, who are present. The board informed Ms. Rautiola that the board was not full. Representation would like to proceed with the public hearing. The application was presented to the board with the five criteria of the special exception. The board reviews the construction, ISDS, and site plans for the ADU. Construction plans include a 29' x 50' ADU that will have the appearance of a carriage shed with cupola. Please see the records on file.

The New Ipswich Zoning Ordinance, Article N, Section C(i), states: "*An Accessory Dwelling Unit must be subordinate and clearly secondary to the principal dwelling unit.*" The proposed ADU is not currently subordinate to the principal dwelling, which is 1,600 square feet. To comply with the ordinance, the construction plans would need to be revised to ensure the ADU remains subordinate to the principal dwelling.

The current ISDS plan indicates a leach field location that would encroach upon the required property line setback if constructed as proposed. Unless the plan is revised, the applicant will need to seek a variance for relief from this ordinance. The existing structure on the parcel is currently served by a cesspit/field system, with no active ISDS in place.

The property owners have reached out to abutters and reported no objections. Parking for the ADU will utilize the existing driveway. While the original application proposed a two-bedroom ADU, it has since been reduced to a one-bedroom unit with no garage. The ADU will share water from an existing well and will have independent heat and electrical service.

Chair opens the floor to public comment.

Mr. & Mrs. Lautner – 110 Thayer Road: Requests that they be permitted to view the documentation and plans that were provided to the board. After viewing, they stated concerns about the ISDS location and natural buffers. Mr. Lautner said, “*I don’t want to see it.*”. He also said if the ADU appearance looked good in the area he was ok with the ADU being in the area. Mrs. Mittleider stated that no trees would be removed from the abutter’s tree line.

To address the encroachment issue and ensure the ADU is subordinate to the principal dwelling, the applicant will revise the construction plans to a proposed 30' x 30' ADU and eliminate the garage. This revision may reduce the size of the ISDS, bringing it into compliance with zoning ordinances and eliminating the need for a variance.

Chair motions to close public comment and go into board deliberations. David Lage seconds. All in favor. The motion passed unanimously. The board deliberates and discusses the finding of facts for the special exception. **Summary of the facts of the case discussed at the public hearing:**

1. *The specific site is an appropriate location for the proposed use because the size of the ADU has been reduced.* With the reduction in size, the ADU appears to be ancillary to the original house, complying with the zoning regulations.
2. *The proposed use will not adversely affect the adjacent area because the property is located on a pre-existing, non-conforming (grandfathered) lot, and proposed improvements such as the updated ISDS will enhance the property and its valuation.*
3. *There will be no nuisance or serious hazard to vehicles or pedestrians because the proposed use will utilize the existing driveway.* It is preferable that a second driveway is not needed, given the parcel's location at a road corner where additional access could create safety concerns.
4. *Adequate and appropriate facilities will be provided for the proper operation of the proposed use because the parcel currently lacks an ISDS.* The installation of a new ISDS with the existing drilled well will improve the property and relieve strain on the existing systems serving the principal dwelling.
5. *Approval of the special exception is consistent with the Master Plan because the Master Plan encourages Accessory Dwellings Units to support housing needs in New Ipswich.*

David Lage motions to approve the special exception for the ADU located at 102 Thayer Road with the conditions that the overall size of the ADU is reduced to approximately 30' x 30'. It is presumed that the leach field will also be reduced; however, if it is not, a variance would be required for relief from the dimensional requirements for the leach field. Michelle Saari seconds. All in favor. The motion passed unanimously.

3. Application Review

Case ZBA 2025 4: for a special exception from Clayton Aho, Map 10 Lot 20/17-6, 52 Cedar Ridge Drive, requested from Article XIII Section N of the Zoning Ordinance to permit a detached garage with Accessory Dwelling Unit (ADU) above.

The board reviews the application and supporting documents. See records on file. The board confirms that there are seven abutters. ZBA fees were determined.

David Lage motions to approve the application for a special exception for ADU above garage at 52 Cedar Ridge Drive. Michelle Saari seconds. All in favor. The motion passed unanimously.

The public hearing is scheduled for July 10, 2025, at 7:15 PM.

4. **Approval of Minutes**

Danielle Sikkila motioned to approve the meeting minutes May 8, 2025. David Lage seconds. All in favor. The motion passed unanimously.

5. **New Business**

White Cap Coffee – recent activity involving a new business operating at 850 Turnpike Road. It was brought to the Board’s attention that the business obtained a Hawkers, Peddlers, and Itinerant Vendors Permit (HPIVP) through the Board of Selectmen and the Chief of Police. As previously discussed at the last meeting, this startup business does not comply with the Town of New Ipswich Zoning Ordinances. Specifically:

- The property was cleared for parking without site plan review or approval.
- There is no record of state licensing for food truck operations.
- No site plan has been submitted or approved by the Planning Board.
- The operator was advised to appear before the ZBA, requested to be added to the agenda, but ultimately did not attend.
- The applicant does not meet the requirements of the HPIVP.
- Despite noncompliance, an HPIVP was issued.
- The Town has not received permission from the property owner to say that the business is permissible on the parcel.

The Board finds that the operation of this business remains in violation of the applicable zoning regulations. Accordingly, the Board is requesting that the Zoning Clerk issue an enforcement letter to the property owner.

The Club at Oak Hill – The ZBA was recently requested to produce a legal letter by the property owner (Raymond Holmes) stating that the Country Club located at 290 Old Country Road is complying with the NI ZO. ZBA Chair approves letter and ZBA Clerk will send it to property owner. See records on file.

Adjournment

David Lage motioned to adjourn the meeting at 9:36 PM. Michelle Saari seconds. All in favor. The motion passed unanimously.

Respectfully Submitted,

Jennifer Worth
Administrative Support