

13-July 2023
Zoning Board of Adjustment Meeting Minutes

The New Ipswich Zoning Board of Adjustment [ZBA] conducted a public meeting on Thursday, 13-July 2023, from 7:00 PM to 11:55 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	

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

Case ZBA 2023-07 Hearing: 158 Appleton Road Accessory Dwelling Unit

Jane Williams presented a special exception in accordance with Article XIII – Section N for the property at 158 Appleton Road [Map 7 – Lot 24] to construct an Accessory Dwelling Unit [ADU] to provide residential housing for a family member.

Kristen Paradise [property abutter at 809 Turnpike Road] asked to see the lot construction plans for the ADU but had no comments.

Dave Lage made a motion to close the public input portion of the hearing to begin board deliberations. Jeff Muhonen seconded the motion, and all members were in favor.

The following provides a summary of the zoning board deliberations:

1. The specific site is an appropriate location for the proposed use because the ADU of approximately 480 Sq. Ft. will blend in with the main residence on the 40-acre property.
2. The proposed use will not adversely affect the adjacent area because the ADU will be 100 ft from the stonewall which has an established tree line that shields the ADU from Appleton Road.
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the ADU will share the existing driveway and parking area with the main residence.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use because:
 - a. The ADU will have a separate electric service.
 - b. The ADU will share a water well with the main residence.
 - c. The ADU will share the existing driveway and off-street parking area.
 - d. The ADU will have a separate septic system in accordance with the plan prepared by Carl Hagstrom and provided with the application.

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5. Approval of the special exception is consistent with the Master Plan because the ADU provides affordable housing for family members.

Dave Lage made a motion to approve the special exception in accordance with Article XIII – Section N for the property at 158 Appleton Road [Map 7 – Lot 24] to construct an Accessory Dwelling Unit [ADU]. Lou Alvarez seconded the motion, and all members were in favor. The ADU requires a Declaration of Restrictions of Occupancy be executed and recorded with the Registry of Deeds prior to occupancy (Final Inspection) of the unit.

Case ZBA-2023-08 Application Review: 57 Fox Farm Road ADU

Juha and Kathryn Seppala requesting a special exception in accordance with Article XIII – Section N for the property at 57 Fox Farm Road [Map 8 – Lot 42] to construct an Accessory Dwelling Unit [ADU] over an attached garage to be built onto their existing house to provide residential housing for a family member.

Dave Lage made a motion to accept the special exception application. Lou Alvarez seconded the motion, and all members were in favor. A hearing was scheduled for 03-August 2023 at 07:05 PM,

Case ZBA-2023-06 Hearing: 400 Temple Rd Group Home

William Van de Water presented a special exception in accordance with Article VI – Section C.7 for the property at 400 Temple Rd [Map 10 Lot 20-5] to allow the operation of a residential group home to provide transitional housing for 8-12 exploited women and their pre-teen children for up 24 months before moving-on to independent living. The property is a former nunnery with 17 bedrooms and 8 bathrooms. The special exception is necessary in accordance with Article XIII – Sections A.2 and A.3

There were no abutters present during the hearing.

Dave Lage made a motion to close the public input portion of the hearing to begin board deliberations. Jeff Muhonen seconded the motion, and all members were in favor.

The following provides a summary of the zoning board deliberations:

1. The specific site is an appropriate location for the proposed use because the property is a wooded 3-acre lot with two existing buildings [8,500 Sq. Ft. main home and 1,500 Sq. Ft. cottage]. There is off-street parking for 10+ cars.
2. The proposed use will not adversely affect the adjacent area because the property is a former nunnery with 17 bedrooms and 8 bathrooms requiring no new construction.
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the property was previously used as a church retreat center with guests staying a few days to weeks for several decades. The proposed use will be similar with much less turnover.

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4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use because the proposed use is similar to the previous use. The current well and septic systems have been assessed as adequate and in good working condition. A new septic system design plan was reviewed in case a replacement is needed in the future.
5. Approval of the special exception is consistent with the Master Plan because the proposed use provides safe transitional housing for exploited women and their pre-teen children before moving-on to independent living.

Dave Lage made a motion to approve the special exception in accordance with Article VI – Section C.7 for the property at 400 Temple Rd [Map 10 Lot 20-5] to allow the operation of a residential group home to provide transitional housing for exploited women and their pre-teen children before moving-on to independent living with the condition that the maximum number of residents is 25 [e.g., 10 adult women, 10 pre-teen children, and 5 staff members]. Jeff Muhonen seconded the motion, and all members were in favor.

Case ZBA-2023-10 Application Review: 57 North Road ADU

Daniel Cagua-Koo requesting a special exception in accordance with Article XIII – Section N for the property at 57 North Road [Map 7 – Lot 47-2] to construct an Accessory Dwelling Unit [ADU] to replace an existing bedroom.

An ADU must provide an independent living facility including provisions for sleeping, eating, cooking, and sanitation in accordance with RSA674:71. The submitted plans do not show provisions for eating and cooking.

Dave Lage made a motion to accept the special exception application with the condition that the applicant update the ADU construction plans. Lou Alvarez seconded the motion, and all members were in favor. A hearing was scheduled for 03-August 2023 at 07:30 PM.

Case ZBA-2023-09 Application Review: Appeal of an Administrative Decision

Richard Craig and Sharin Smeeth of 124 River Road requesting an appeal of an administrative decision by the planning board. The decision, issued on 19-June 2023, approved a site plan application, with conditions, submitted by Jane Elwell of Silver Scone Teas, LLC, located at 99 River Road. The Smeeth's are property abutters and are joined by ten other individuals owning abutting properties to Silver Scone Teas, LLC operating at 99 River Road.

Walker Farrey stated that the court had issued a stay order granting temporary relief to stop the activity carried out by the disputing parties. The application review is postponed until further orders of the court are issued on the matter.

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Old / New Business:

The board reviewed the minutes for the 04-May 2023 meeting with several updates requested.

The board reviewed the minutes for the 01-June 2023 meeting. Jeff Muhonen made a motion to approve the minutes. Lou Alvarez seconded the motion, and all members were in favor.

The board received a draft of the ZBA Procedural Rules and discussed the document. There are several new requirements in the current draft that current procedures do not comply with. The land use staff needs to thoroughly review the document, in consultation with the town's attorney, to understand the implications of the new requirements to modify the application processing procedures accordingly.

Dave Lage made a motion to adjourn the meeting. Lou Alvarez seconded the motion, and all members were in favor.

Submitted by,
Jeffrey Carter
Land Use Clerk