



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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**ZONING BOARD OF ADJUSTMENT (ZBA)
MEETING MINUTES
Tuesday, October 1, 2019
Whipple Hall, 429 Main Street
6:30 PM**

MEMBERS PRESENT: Douglas W. Lyon (Chair), Frank Anzalone, Stan Bright (Alt), Heidi Lauridsen, Ann Bedard, Katharine Fischer, W. Michael Todd, Bruce Hudson

MEMBERS EXCUSED:

STAFF PRESENT: Nicole Gage, Zoning Administrator

OTHERS PRESENT: Greg Grigsby, Bill Helm, Tina Helm, Katie Vedova, Peter Vedova, Joe Cardillo, Laura Pillsbury, Steven Root, Janet Kidder, David Royle, Joe Kubit, Michael Williams, Peter Bianchi, Chelsea Williams, Andy Deegan, Jeff North, Renate Kannler, Allison Trow, Michael Doheny, Pat Deragon, Ray Deragon, Tyler Kipp, Liz Meller

1. **Call to Order** – Chair Lyon called the meeting to order at 6:30 pm.
2. **Roll Call** – Chair Lyon called the roll.
3. Review Minutes of August 20, 2019 and September 3, 2019

IT WAS MOVED (Katharine Fischer) AND SECONDED (Heidi Lauridsen) to approve the minutes from the August 20, 2019 and September 3, 2019 meetings. THE MOTION WAS APPROVED UNANIMOUSLY.

4. Case #ZBA19-16 Variance

New Parcel ID 126/13/0/0/0 - 133 Lighthouse View Road

Owner: Robert K Martin Revocable Trust & Carol L. Thrane Revocable Trust

Applicant: Pellettieri Associates, Inc./ Burpee Hill Construction/Gallagher, Callahan & Gartrell

Zone R2

A variance is requested from the provisions of the New London Zoning Ordinance, Article XX, Section B, 1.c.i concerning new footing and replacement in kind of existing deck attached to a primary non-conforming structure.

Greg Grigsby, a landscape architect from Pellettieri Associates attended the meeting. The request is to rebuild a deck on an existing primary dwelling at 133 Lighthouse View Road. Members of the Zoning Board conducted a site visit prior to the meeting tonight. They are requesting access, with equipment into the 50 buffer to rebuild the deck. The way the ordinance is written, it is required that improvements to structures within the waterfront buffer are built within the footprint. The way the house is constructed and the layout of the land, it would be difficult to do. The primary reason for the reconstruction of the deck is for the safety of the users and to address structural issues with the footings. The footings have heaved and water is draining towards the house which is causing the sill to rot along the house. There will be no change to the footprint or

to impervious area so therefore there is not encroachment to Lake Sunapee. No trees will be removed as part of the work and there is an ample construction envelope in which they can work. Any branches will be tied back for the temporary equipment access and to protect the root zones, wood chips will be put down. The state has reviewed and approved their application and the Planning Board has approved their ability to access the waterfront buffer with equipment temporarily. The Conservation Commission has also reviewed and approved this as well. Erosion controls will be installed and approved by Nicole Gage, Zoning Administrator, prior to any excavation of site work on the lake side of the house. Upon completion of the deck work, the existing turf areas in the waterfront buffer will be restored with low growing native vegetation. Mr. Pellettieri provided the restoration plan to the ZBA. Once this is vegetatively stabilized, any storm water management controls will be taken out.

Mr. Pellettieri outlined the five variance criteria as follows:

It will not be contrary to the public interest - There is already an existing deck there and it will not encroach any further than what exists today. Erosion controls will be in place for the duration of the project and will be inspected by the Zoning Administrator prior to any excavation. It is on private property and there will be no impacts to the public interest as it is an in-kind replacement.

The spirit of the ordinance is being observed because the ordinance does allow for improvements for existing non-conforming structures in the water front buffer. Only construction relief is requested so therefore it is in the spirit of the ordinance because it does allow for improvements to waterfront buffers however, the ordinance requires that it be within the footprint and that is why there is an issue.

Substantial justice is done by renovating and avoiding the demolition of a large primary structure. This is a 6,000 square foot structure so to do it to the spirit of the law would mean to demolish this house to replace a 1,200 square foot deck.

The values of surrounding properties are not diminished. Most properties in this area have either a patio or a deck on the lake side. This type of improvement is likely to help the values because they will now have a deck that meets building codes. This deck will also encompass storm water management techniques that current deck does not possess. There is a gutter system that goes in between the joists so as water moves through the deck, it gets captured and conveyed into two different water sheds. There will be drywells that will infiltrate the roof runoff and any water that moves through the deck so it will be dry underneath. This will improve the water quality. Currently there is water coming off the roof, the deck and then across a lawn. That will end as a result of this. There will also be improvements to the driveway. These changes will reduce the impervious area by 5.5%.

Hardship - No fair and substantial relationship exists between the existing general public purposes for the ordinance provision due to the specific application of the provision of that property - Due to the configuration of the house relative to the setbacks, the hardship is due to where the deck area is relative to the house. The only way to access it is either to the North or South and the least impacting alternative is to utilize the south side.

The use is a reasonable one because it doesn't change from what exists today. It will remain in the same footprint and is consistent with other nearby dwellings. The width of the lot and the steep slopes make this relief necessary to achieve reasonable use.

Chair Lyon stated that as a result of the site visit, many of their questions were answered. They were able to view the deck that is in disrepair and needs to be replaced. The owners have taken considerable steps to improve water quality and reduce the impact of any construction on the site. The Planning Board has granted permission for the equipment that is necessary to do this. The applicant is looking for a variance to allow the equipment to operate outside of the foundation area.

The intent is to begin work this fall and the hope is that it will be completed by July 4, 2020.

IT WAS MOVED (Michael Todd) AND SECONDED (Katharine Fischer) to Discuss. THE MOTION WAS APPROVED UNANIMOUSLY.

Chair Lyon stated that they had the advantage of a site visit in which questions were asked and answered. Chair Lyon came away for the site visit with the realization that considerable thought has been given to this project and attempts to minimize the overall impact of the project on the site. The result of all of this work would be a finished project that would have more permeable area, better drainage, additional drywells, a gutter system to collect rainwater that does not currently exist and a better buffer between the house and the lake. The grass area that is there now will be replaced with native vegetation from the approved state list. Overall, this project does in fact meet the five criteria.

Mr. Todd stated that this project will not change the essential character of the neighborhood. It is residential in nature and this set of proposed improvements only makes the situation better. Due to the steepness of the lot it is very difficult to get materials in and out of the area and creates a unique hardship with respect to this parcel of property. Literal enforcement of the ordinance would cause a great deal of problems for the owner.

It is consistent with the spirit of the ordinance because the landowners have taken great pains to include specific procedures to improve or mitigate damage to water quality. Substantial justice is also done as a denial of this variance would result in no gain to the public at large. These improvements can't be seen by any abutters so would not have any detrimental effect on their surrounding property values. Mr. Todd is in support of the variance.

Ann Bedard stated they take the shoreland buffer areas very seriously. This encroaches dramatically in that area and that is why the site visit was requested. It is a great improvement to change the lawn over to vegetation.

IT WAS MOVED (Doug Lyon) AND SECONDED (Frank Anzalone) to approve this variance for the reasons enumerated above regarding the five variance criteria with the condition that all plantings done are on the approved New Hampshire state list . THE MOTION WAS APPROVED UNANIMOUSLY.

5. Case #ZBA19-15 - Special Exception

New Parcel ID 83/10/0/0/0 - 191 Parkside Rd.

Owner /Applicant: New London Outing Club

Zone R1 & R2

The applicant is applying for an expansion of a special exception use as outlined in Article XXI, Section (G) (1) and (3) to build an indoor Recreation Facility.

Laura Pillsbury, President of the New London Outing Club attended the meeting. On behalf of the Outing Club, Ms. Pillsbury is requesting that the ZBA review the special exception. The special exception request is to build an indoor recreational facility, located on their property at Woodward Park, 191 Parkside Road.

For over two years, members of the current board, the past board and engaged community members have met to develop a strategy on how best to continue to offer and enhance the Outing Club programs that have served the Kearsarge community, including youth and adults, for their indoor and outdoor recreational needs for over 70 years. The outing club has entertained four different sites and has decided that building on their own property is the best option. They are committed to working with this community and other communities that they serve. The Outing Club will be without a location in the very near future. The building and the plan they have developed has been based on feedback and focus groups over the past two years. They feel that building on Parkside is affordable, sustainable and is the best solution for their organization and the community they serve for another 70 plus years.

Previously the town has granted four special exceptions in the past from 1970 and most recently in 2015. It is their goal to build a building that is attractive and one that will complement the park's beautiful landscape. It will have a design that will address traffic and lighting with limited disruption and will preserve the area and abutting neighbors. They also hope to add a bike and walking path throughout.

Chair Lyon explained this is a request for a special exception and not a variance, which requires the applicant meet five criteria. A special exception is different in that if the criteria are met, then the zoning board must grant it. The applicant has submitted comments and Chair Lyon feels it is important to review these to be clear about what those criteria are and whether they have been met.

Andy Deegan explained that currently they are using this park three seasons out of the year. There are tournaments and jamborees held there. Adding a fourth season will not be a big impact. It is his understanding that traffic isn't a huge inconvenience during this time and a traffic study as part of the Planning Board process will be done for this project. This will identify any impact to the residential neighbors. This is meeting all the other qualifications for zoning. The height of the facility will be under the required height restrictions and no wetlands will be impacted. The facility will be located so it won't be visible to the neighbors. This is going to meet the needs of the community. It is written into the zoning ordinance that this is a structure that is acceptable under the special exception for the R1 and R2 District.

Stan Bright asked if the traffic study done in 2018 for New London Place included the proposed facility. Ms. Pillsbury responded that it constituted and included Parkside and the entrance and exit of their road. They met with Adam Ricker and he gave them opportunities to review the study and felt it had done its due diligence including their park. They still plan to do their own traffic study.

Michael Todd stated that the proposed facility needs to be in harmony with the surrounding area and in order to determine that, the location and size needs to be looked at. Mr. Todd asked what the hours of operation would be. Mr. Todd asked if the only access to the facility will be from Parkside Road and if the access road will be widened. Ms. Pillsbury noted that yes, they have taken this into consideration but have not done the full site design. They are looking to expand

the entrance so it allows both entrance and exit. The intention is to provide easy accessibility coming in and out of the park and believe this will require them to widen it, which they have the ability to do. The proposed hours of operation will most likely be from 8am – 8pm. It is not their intention to do late night programs and they are not proposing that. The intent is not to build a facility that serves in the same capacity that Grantham Indoors did.

Chair Lyon asked if they were able to provide specifications on the size of the building etc. Ms. Pillsbury stated that conceptually there are three phases, the Operational Center, the Gymnasium and the indoor turf building. The building they have proposed is approximately 40,000 square feet.

Frank Anzalone asked about parking. He also would have liked to see a floor plan and to know if this is financially viable. He questioned if they can raise the money, build it and maintain it? Mr. Anzalone agrees there is a need in the community for this but needs questions answered. Mr. Anzalone would like to know about setbacks, parking and how much will there be, signs and footprint. Chair Lyon asked Ms. Pillsbury if they had a site plan to help address the questions about parking and setbacks. Mr. Deegan replied that they don't have a full site plan with parking and setbacks at the moment. They need to fundraise for the project and they have a plan in place to ensure this structure is sustainable. They will be required to go through the whole process so there will be planning board review and then they can go to donors for support.

Chair Lyon stated the Planning Board has their own criteria in terms of approving a project. This project will be subject to the scrutiny of the Planning Board with regards to parking, setbacks and impact on the neighborhood.

Dianna Piotrow discussed the placement of the building and noted that they turned it various degrees and looked at grades. Her focus was on the houses that were closest to the back of the building were impacted as little as possible. At the same time they had to consider parking and a drop off and also make it attractive to people as it is a large building. The next phase will have a detailed parking plan.

Chair Lyon stated that the Board is sympathetic to the need that is proposed. The board is also restricted to the criteria that are written in the zoning ordinance. Chair Lyon suggested that this hearing be continued to a date certain. This will allow the Outing Club to present the kinds of information that has been requested tonight. When the date is picked, the hearing doesn't have to be renoticed so anyone that wants to attend will need to be aware of the date that is picked. As far as the fundraising goes, a condition of the special exception would be that at some point they will need demonstration of being able to meet the financial demands of the project.

The Outing Club declined to hear from members of audience and will address any of their concerns at the continuation.

IT WAS MOVED (Doug Lyon) AND SECONDED (Michael Todd) to continue the hearing to a date certain which will be November 5, 2019 at 6:30pm. THE MOTION WAS APPROVED UNANIMOUSLY.

5. Other Business

- Nicole Gage is placing an order for legal books for 2020. The Zoning Board all agreed they would like one.
- Ms. Gage reported that Lee Boda received a grant for updated technology for the Sydney Crook meeting room. She believes that funds are also being allocated in the budget for audio/visual equipment for Whipple Hall. She also encouraged ZBA members to bring tablets or laptops to meetings. The meeting packets are all online so it may be easier to scroll through on a device. The ZBA members responded that they have internet connectivity issues.

Ms. Gage stated that they may want to consider putting in the Rules and Procedures that the applicant makes copies for the meetings. This includes the application and any attachments. ZBA members were in favor of doing so.

Ann Bedard appreciates the communication provided by Nicole Gage in the form of staff memos for these cases.

6. Updating Rules of Procedure

Michael Todd discussed the updated redline of the Rules and Procedures and suggested putting in the current revision date and inserting a year after statutory references. If any members have suggested changes please send them to Nicole Gage within a week and she will put together a new draft.

7. Motion to Adjourn

IT WAS MOVED (Doug Lyon) AND SECONDED (Michael Todd) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting was adjourned at 8:16PM.

Respectfully submitted,

Trina Dawson
Recording Secretary
Town of New London