



TOWN OF NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT (ZBA) MEETING MINUTES Tuesday, November 1, 2022 Whipple Town Hall, 6:30pm

MEMBERS PRESENT: Doug Lyon, Chair, Michael Todd, Ann Bedard, Katharine Fischer, Frank Anzalone, Heidi Lauridsen, Lauren Chadwick

MEMBERS ABSENT: Steve Root

OTHERS PRESENT: Adam Ricker, Zoning Administrator, Geoffrey Green

1. **Call to Order**– Doug Lyon called the meeting to order at 6:32pm.

2. **PUBLIC HEARING(S):**

Case # ZBA 22-09

Owner Geoffrey A. Green

Address 1465 Route 103A

Parcel ID 136-004-000-000-000

Zone(s) Agricultural Rural Residential (ARR), and the Streams Conservation Overlay
District Summary:

- **#ZBA 22-09– The applicant is applying for a variance to Article XXII, Section E.1., to construct a greenhouse connected to the existing house located within 100' Streams Conservation Overlay District buffer.**

Chair Lyon explained that the applicant is applying to construct a greenhouse connected to his existing house which is located within 100 feet of the Streams Conservation Overlay district. The entire house is actually in the overlay district and was constructed before the zoning laws.

Geoffrey Green attended the meeting. He explained that he has orange and grapefruit trees and would like avocado and banana as well. That is what he will be using the greenhouse for. It will be heated so it is better if it is connected to the house. The location would be perfect as it is in the sun all day and no trees need to be cut down. There will be a gutter in front that runs the whole length of the house. There will be a french drain that comes off the gutter will go away from the brook and will go into a field. The fruit would only be for friends and family, it will not be for sale.

Mr. Green stated the house doesn't have a basement or an attic and is on a slab. He is planning to do an Alaskan slab for the greenhouse since the slope is so steep. He will put the Alaskan slab two feet down with a two-foot knee wall so at the very end of the greenhouse it will be 6 feet. It will be a permanent structure. Michael Todd asked Mr. Green if he can see neighbors from his house or can they see him, and he stated no. A letter of support was received from the closest neighbor that borders three sides of his property and the letter stated there are no objections to the planned greenhouse.

Frank Anzalone asked what the dimension from the face of the house to the roof overhang. Mr. Green responded it is three feet. The greenhouse itself is 8 feet. The closest point from the

greenhouse to the brook is 72.8 feet. Mr. Anzalone asked for clarification on the French drain. Mr. Green explained the gutter will run the length of the greenhouse and will be pitched. At the furthest point from the brook there will be a downspout into a three-foot ditch with a pipe and stone at the end. Mr. Anzalone shared that Alaskan slabs are not allowed. Mr. Green responded that he wants to build it on slab just like the house is built and a contractor has been hired to do the foundation. Mr. Anzalone stated it must be four feet below grade, so he recommended that Mr. Green let the contractor know this. Anything being built needs to be built to code requirements. Ann Bedard asked why the greenhouse needs to be up against the house when there is other property that can be used for it. Mr. Green stated the greenhouse must be heated at 72 degrees year-round. If it is a free standing structure it would be a lot more costly. Having it connected to the house would be easier to heat and maintain.

1. **The variance will not be contrary to public interest:** Chair Lyon asked Mr. Green if there is anything in the proposal that alters the essential character of the neighborhood. Mr. Green stated no.
2. **The spirit of the ordinance is observed:** Chair Lyon asked if there was anything that would threaten public health, safety or welfare or otherwise injure the public. Mr. Green stated no. Chair Lyon noted it also avoids harm to the brook. Mr. Green has testified that there will not be any runoff into the brook and any runoff from the roof of the building will be channeled to a different direction.
3. **Substantial justice is done:** Chair Lyon asked if there was any detriment to the public that outweighs the value to this proposal. Michael Todd asked if there was any harm to the public if the variance is denied. Mr. Green doesn't see how it would be a detriment. If he can't grow his own food, it would be a hardship. Mr. Todd responded if the variance is denied, Mr. Green can't grow oranges etc. and can't give them away to friends and family. If it is denied the public does not gain anything. Mr. Anzalone stated if this is denied, Mr. Green does not get to enjoy his property the way he would like to.
4. **The values of surrounding properties are not diminished:** Chair Lyon asked if there was anything about this project that would negatively impact the value of surrounding property. Mr. Green stated no. Chair Lyon restated that a letter was received from an abutter that has no opposition to the proposed greenhouse.
5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:** Chair Lyon shared that the special condition of the property that distinguishes it from other properties in the area is that the entire property is within the buffer zone and it was built before the zoning ordinance was in place. This is also a reasonable use as the greenhouse will provide food.

**IT WAS MOVED (Michael Todd) AND SECONDED (Frank Anzalone) to discuss.
THE MOTION WAS APPROVED UNANIMOUSLY**

Katherine Fischer stated a condition should be made regarding the drainage plan. Michael Todd stated there is no fundamental change in essential character of the locality. There has been testimony that the neighbors can't be seen and he can't see the neighbors and from that it can reasonably deduced that there is not diminution of surrounding property values. Substantial justice has been done. Chair Lyon added that it has been indicated by a zoning map that the house on this property is totally in the buffer zone which makes it different from other properties around that area. It is unique in that regard. The use that the applicant wants to make on the property is a reasonable one. Suggesting that putting the greenhouse in another location would be significantly less reasonable for the property owner. Katharine Fischer stated if there is another area on the seven acres where it would be feasible to put it that is what should happen. She does not think there is enough weight on behalf of the

argument of convenience and what the owner wishes, to allow it. It is important that we don't chip away at the objectives of the statutes. Chair Lyon believes the applicant has satisfied the notion of reasonable use. The reason is that the greenhouse must be maintained, heated and readily accessible in the winter. Frank Anzalone stated to make this conforming, it would have to be moved 20 feet. This would be a big inconvenience as you would have to dig four foundation walls rather than three and the greenhouse would be more expensive. He would also have power and heat to it and would be still digging within the 100' setback.

IT WAS MOVED (Doug Lyon) AND SECONDED (Michael Todd) to approve the application having found that the five criteria have been met with the following conditions: the construction be completed in conformity with the building code, and that the gutters will collect water from the greenhouse roof and pipe it away from the stream in a northwesterly direction, into a drainage trench of crushed stone with a 20' long by 4' wide perforated pipe. Roll call vote: Doug Lyon: yes, Ann Bedard: yes, Michael Todd: yes, Frank Anzalone: yes, Katharine Fischer: no. THE MOTION CARRIES.

3. **Review of Minutes** – September 6, 2022

IT WAS MOVED (Michael Todd) AND SECONDED (Doug Lyon) to approve the minutes of the September 6, 2022 meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

4. **Other Business** – The Zoning Board discussed the changes to zoning ordinances being proposed by the Planning Board. Adam Ricker shared that the component being worked on right now is with the Housing Commission to review the workforce housing overlay district.

5. **Motion to Adjourn**

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

The meeting was adjourned at 7:36PM

Respectfully submitted,

Trina Dawson

Recording Secretary
Town of New London