



TOWN OF NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT (ZBA) MEETING MINUTES Tuesday, December 5, 2023 Whipple Town Hall, 6:30pm

MEMBERS PRESENT: Michael Todd (voting), Heidi Lauridsen (voting), Lauren Snow Chadwick, Steve Root, Ann Bedard (voting), Conrad Bolton, Frank Anzalone (voting), Peter Theroux (voting)

MEMBERS ABSENT: Katherine Fischer

OTHERS PRESENT: Adam Ricker, Zoning Administrator, John Ellis, Christina Donovan, Will Kidder, Lindsay White, Howard Hoke, Jacob Kwapiszeski

1. **Call to Order**– Michael Todd called the meeting to order at 6:30pm and called the roll.

2. **Public Hearing(s):**

Case # ZBA 23-04
Applicant Christina M. Donovan
Address 368 County Road
Parcel ID 072-013-0-0-0
Zone(s) Residential (R-2)
Summary:

• **#ZBA 23-04 – The applicant is applying to construct a mudroom connector between the house and the existing detached garage. The garage is a legally non-conforming structure within the side yard setback. The northeast corner of the mudroom is proposed to be 15.9 feet from the side property line, where a minimum of 20’ is required.**

Christina Donovan attended the meeting and stated she here tonight requesting a reduction in a side yard setback. The New London zoning ordinance, Article V, Section C., R-2, requires a 20-foot setback.

Ms. Donovan stated she does not believe this request is contrary to the public interest. The one abutter that is directly affected to this addition sent a letter and has no issues with it. Value is added to the dwelling and the remove of the 6.5-foot separation between the two structures corrects the deficiency in the separation of the structures to prevent fire jumping.

The spirit of the ordinance is observed due to the fact the new look of the home does not negatively impact the appearance or safety of the neighborhood. Ms. Donovan believes this small addition improves the appearance.

Substantial Justice is done – allowing the variance of an existing home to create a mudroom causing no harm would allow the owner to better utilize her residence. It would also benefit future owners. This parcel has access to town water. Under New London zoning code if in

fact this parcel also had town sewer, no variance would be required due to the minimum setback of 15 feet. The violation goes from 2.5 feet to 4.1 feet at the extreme so this is a very small violation.

The value of surrounding properties will not be diminished – Ms. Donovan stated the construction enhances the look and value of the current property. Private residences' being maintained and cared for only increase the value of all surrounding properties.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

Ms. Donovan believes there are special circumstances based on her parcel that distinguishes it from others in the area. It's extremely small. No creation of congestion due to the side with the addition has a large distance to the neighbor's residence. The topography of the land when the subdivision was created caused the home to be placed to the extreme of one side of the parcel. The home has an 8-foot retaining wall on the rear side maintaining the integrity of the fill and structure. There was a tremendous amount of fill needed to level the newly created lot in 1920. If this was a level lot, she believes the home would have been more centrally situated on the parcel. The garage was replaced in 2008.

Not approving this variance makes it extremely difficult to construct an improvement that minimally increases the footprint of this home. The overall exterior look of the home when this project is completed will barely be noticeable.

Michael Todd asked about snow coming off the roof. After discussion it was determined that the proposed construction will make the dwelling safer and will alleviate some of the issues with snow coming off the roof.

Heidi Lauridsen asked if construction had already been started on this. Ms. Donovan responded yes, she has started and shouldn't have. It was a mistake but she thought she knew where the property markers were located. When she had the property surveyed, the pin was found and that's when it was determined that a variance was needed.

Adam Ricker stated the construction started before the building permit so it will be an after the fact building permit. Through site visits, it was determined that a variance was likely and they have held the building permit until a decision is made tonight.

Ann Bedard commented that having lived here for 25 years, Ms. Donovan should have known that when you build a structure a permit is needed. This requirement has been in place for a long time. Ms. Bedard asked where the septic system is on the site and can it be accessed easily to be pumped? Ms. Donovan responded she applied for the permit at the time she started construction. It wasn't after the fact, but it hasn't been approved because they ran into the side yard setbacks. She wasn't trying to avoid permitting. The septic is in the front yard. The new structure will not affect anything related to the septic system.

Ann Bedard stated she doesn't have an objection with the connector but doesn't want to continue extending the garage for this connector to become more and more non-conforming. Michael Todd responded they could put a condition that there be no further expansion or height increase on the connector.

IT WAS MOVED (Frank Anzelone) AND SECONDED (Ann Bedard) to discuss. THE MOTION WAS APPROVED UNANIMOUSLY.

Michael Todd asked if the public would gain anything by denying this variance. The response was no. Frank Anzelone doesn't see an issue with the Sprit of the ordinance guideline either as 6.5 feet isn't really noticeable and won't have any impact on neighboring properties as far as their value. There isn't any conflict with the public interest. The hardship criteria is the one that can be a struggle.

Steve Root stated the hardship of the safety factor is not insignificant and it's common in this town for garages and houses to be connected. Lauren Chadwick stated due to the placement of the garage lends to distinguishing that property with the setback. We can get over the hardship criteria by looking at where the garage is originally placed and then just have the 6 feet connecting to the building. The addition makes it no more non-conforming.

After discussion, the board made the following motion:

IT WAS MOVED (Michael Todd) AND SECONDED (Ann Bedard) to grant a variance from Article V, Section C., 2 to grant the construction of a mudroom between the garage and the house with the condition that there not be any future vertical expansion of the mudroom connector. THE MOTION WAS APPROVED WITH A VOTE OF 5-0.

3. Public Hearing (s): Application for a Special Exception

Case # **ZBA 23-05**
Applicant Eversource Energy
Properties:

373 Lakeshore Drive, Parcel ID 037-004-0-0-0, Owned by Margaret & Peter Sulick
339 Lakeshore Drive, Parcel ID 037-002-0-0-0, Owned by George Milmore, Jr.
0 Lake Shore Drive, Parcel ID 036-009-0-0-0, Owned by RH Webb Forest Preserve

Zone(s) Forest Conservation

Summary:

- #ZBA 23-05 – The applicant is applying for a Special Exception as required by Article XIX, Section C-2 of the Zoning Ordinance for required grading impacts within the Steep Slope Overlay District on slopes between 15-25% grade. The grading work is part of a proposed project to replace select utility structures along the existing M127 Transmission Line.

Application WITHDRAWN

4. Public Hearing (s): Application for a Variance

Case # **ZBA 23-06**
Applicant Eversource Energy
Properties:

373 Lakeshore Drive, Parcel ID 037-004-0-0-0, Owned by Margaret & Peter Sulick
339 Lakeshore Drive, Parcel ID 037-002-0-0-0, Owned by George Milmore, Jr.

0 Lake Shore Drive, Parcel ID 036-009-0-0-0, Owned by RH Webb Forest Preserve

Zone(s) Forest Conservation

Summary:

- #ZBA 23-06 – The applicant is applying for a variance from Article XIV, Section C-1, of the Zoning Ordinance for required grading impacts within the Steep Slope Overlay District on slopes greater than 25% grade. The work is part of a proposed project to replace select utility structures along the existing M127 Transmission Line.

Lindsay White, Project Manager at GZA GeoEnvironmental attended the meeting along with three representatives from Eversource. Ms. White shared they are here tonight to discuss the replacement of select utility poles along the existing M127 Transmission line. This is a lengthy line as it crosses through portions of Sunapee, Springfield, New London, Wilmot, and Franklin NH. This project will replace 25 poles but only five of those are located in the town of New London. These will be accessed off of Lakeshore Drive and access to get to these poles is already existing. The existing poles are wooden which sustain damage from woodpeckers and other various wildlife so they will be replaced with steel poles. The poles will be about five to ten feet higher than what is there now.

During construction they will need to construct work pads to provide a safe and level area around the pole and this where they will have impact in the steep slope overlay district. These work pads get built out into up to a 100' X 100' area. Once the work is completed, that pad will be reduced down to about a 30' X 60' work pad area and outside that area will be regraded to the original contours to the greatest extent and stabilized and restored by seeding and mulching in those areas. The timeline for the project is set to begin in March 2024 and will extend into fall 2024.

No diminution in value of surrounding properties would be affected:

The proposed project is located within an existing and maintained utility right of way and is replacing existing utility infrastructure. No surrounding properties will be affected as it will be maintained and utilized as a utility right of way as it is now once the construction is completed.

Granting the permit would be of benefit to the public interest:

The proposed project is considered a permitted use in the underlying Forest Conservation District as an essential service. Replacement of these poles is considered a benefit to public safety and interest.

Denial of the permit would result in unnecessary hardship to the owner seeking it:

If the permit was not approved, Eversource would not be able to create a work area large to accommodate safe work areas for the construction equipment. A level work pad is required to safely stage equipment in order to replace the existing wooden pole.

By granting the permit, substantial justice would be done:

By granting the permit, Eversource would be able to safely maintain an Essential service in the Town of New London.

The use must not be contrary to the spirit of this ordinance:

The proposed project will enhance and maintain the safety and reliability of existing infrastructure in the Town of New London and is consistent with the definition of “Essential Services” that is in the zoning ordinance.

There is a sediment and erosion control plan in place.

There was a discussion about how old the lines themselves were. Ms. White stated these were built in 1967. Each year the poles are evaluated for when replacement is needed. She was unsure about the actual lines. They don’t have that information available tonight.

IT WAS MOVED (Michael Todd) AND SECONDED (Ann Bedard) to grant a variance from Article XIV, Section C-1, to allow work in the Steep Slope Overlay to provide safe access for essential work to the M127 Transmission line. THE MOTION WAS APPROVED WITH A VOTE OF 5-0.

5. Public Hearing(s): Application for a Special Exception

Case # **ZBA 23-07**
Applicant Eversource Energy
Properties:

339 Lakeshore Drive, Parcel ID 037-002-0-0-0, Owned by George Milmore, Jr.
0 Lake Shore Drive, Parcel ID 036-009-0-0-0, Owned by RH Webb Forest Preserve

Zone(s) Forest Conservation

Summary:

- #ZBA 23-07 – The applicant is applying for a Special Exception as required by Article XIII, Section E-1, of the Zoning Ordinance for required impacts within the Wetlands Conservation Overlay District. The work is part of a proposed project to replace select utility structures along the existing M127 Transmission Line.

For the wetlands portion, some of the access road does cross wetlands and some of the work pads areas are in wetlands as well. Eversource typically uses temporary timber matting to minimize and prevent impact to wetlands. This gets removed once construction is completed.

Ms. White stated they follow a Utility manual from DES that is specific to Utility maintenance adjacent to wetlands and water bodies. They monitor routinely to make sure everything is in place and working properly so no sedimentation is going into wetlands or leaving the site.

Michael Todd asked that Eversource provide updates throughout the project so everyone is properly informed. He suggested that an Eversource representative provide the zoning administrator with a weekly update. This will allow abutters to be aware of how things are going and any issues that have occurred.

IT WAS MOVED (Ann Bedard) AND SECONDED (Frank Anzelone) to grant a special exception to allow wetlands crossing to provide safe access for essential work to the M127 Transmission line with the condition that Eversource will provide periodic project

updates to the Zoning Administrator on the progress of the pole replacements. THE MOTION WAS APPROVED WITH A VOTE OF 5-0.

6. Public Hearing(s): Application for a Variance

Case #	ZBA 23-08
Applicant	Eversource Energy
Address	912 Pleasant Street
Parcel ID	036-015-0-0-0
Owner	Kidder Family Trust, William III & Putnam Kidder
Zone(s)	Residential (R-2)

Summary:

- #ZBA 23-08 – The applicant is applying for a variance of Article XVI, Section C-2, of the Zoning Ordinance for disturbance within the waterfront buffer. The applicant seeks to bury the utility line to connect to the existing ground mounted transformer.

Eversource representative Jacob Kwapiszeski attended the meeting to discuss the application for a variance. Part of the line is in the waterfront buffer. A trench would need to be dug to bury the new primary service to the cottage. The plan is to reconfigure the overhead portion of the line to be in alignment with the established driveway. The existing primary service has failed so they want to reinstall a new, more reliable service connection to the cottage. An erosion and sediment control plan is outlined in the proposal.

The variance will not be contrary to the public interest because the property owner seeks to maintain safe and reliable electric service. Great care was taken to reconfigure the overhead portion of the line to bring it more to the interior of the property and keep it from abutters and the general public view by routing the new primary service underground.

The spirit of the ordinance is observed: It's been clear that water quality is important to the community so the applicant intends to implement erosion and sedimentation best practices on the site to protect water quality within Pleasant Lake.

Substantial justice is done: Permitting the underground installation would allow the property owners to enjoy safe and reliable electric service at the cottage.

Values of surrounding properties are not diminished – the proposed distribution poles and underground installation is located in the interior portion of the property, set well back from the neighboring properties.

Literal enforcement of the provisions of the ordinance would result in unnecessary hardship – the applicant seeks to provide the owner with safe, reliable electric service.

The proposed use is a reasonable one as the underground installation in the 50 ft waterfront buffer will avoid erection of poles as well as the associated tree trimming/removal will thereby preserve the character of the town.

IT WAS MOVED (Ann Bedard) AND SECONDED (Frank Anzelone) to grant a variance from Article XVI, Section C-2 to allow work in the Shoreland Overlay to bury

a utility line to connect to an existing underground service within the Waterfront Buffer. THE MOTION WAS APPROVED WITH A VOTE OF 5-0.

7. Meeting Minutes – July 18, 2023 - Deferred until the next meeting.

8. Motion to Adjourn

IT WAS MOVED (Ann Bedard) AND SECONDED (Heidi Lauridsen) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting was adjourned at 8:15PM

Respectfully submitted,

Trina Dawson

Recording Secretary
Town of New London