



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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

**MEMBERS PRESENT:** Michael Todd (voting), Ann Bedard (voting), Katharine Fischer (voting), Heidi Lauridsen (voting), Lauren Snow Chadwick (voting), Steve Root (alternate).

**MEMBERS ABSENT:** Frank Anzalone

**OTHERS PRESENT:** Adam Ricker, Zoning Administrator, Karen Bonewald, Sue Stuebner, Cristianne Peschard, Mike Fallon, Carrie Bouton, John Bouton

1. **Call to Order**– Michael Todd called the meeting to order at 6:30pm. Mr. Todd started the meeting by addressing the passing of Chair Doug Lyon. Mr. Todd hopes that the ZBA can continue to conduct themselves and exemplify the leadership that Chair Lyon did in all the committees that he served on. We should all try to measure up to the standard that he set for us.

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

Case # ZBA 22-10  
Owner Colby Sawyer College  
Address 541 Main Street  
Parcel ID 085-033-0-0-0  
Zone(s) Institutional College  
Summary:

- #ZBA 22-10– Colby Sawyer College is applying for a variance from Article II, Section 5 to construct a new building for the School of Nursing with a height of 52 feet. The building is proposed on the site of the recently demolished Reichhold Center.

Karen Bonewald, Vice President of Finance and Administration at Colby Sawyer College attended the meeting. Also in attendance are President Sue Stuebner and architect Cristianne Peschard, of HGA Associates. Ms. Bonewald expressed her condolences to the Board regarding the passing of Chair Doug Lyon. She appreciates the Board's willingness to have the meeting tonight in such short notice of the events of the past week. They have been deeply affected at the college as well.

Ms. Bonewald stated they are here to request a variance from Article II, section 5 to construct a new building for the School of Nursing and Health Sciences at the college. The new building has a height of 52 feet so that is in excess of the maximum 35 feet stated in the ordinance.

1. **The variance will not be contrary to public interest:** The variance will not be contrary to public interest as it will not alter the essential character of the neighborhood. It is internal to the campus and is surrounded by other buildings in excess of the 35-foot maximum height.

The site they have selected involves removing the Reichhold building that was built in 1961 as it could not be renovated and is the only area on site that is feasible for this building.

2. **The spirit of the ordinance is observed:** The spirit of the ordinance is observed as it creates no fire hazard and aligns with the character of the neighborhood within the institutional district. Additionally, the college and town have successfully managed the other buildings on campus that exceed the 35-foot limit.
3. **Substantial justice is done:** Substantial justice is achieved with the approval of this variance as the proposed use is consistent with the present use of other buildings on campus. There is no public harm as it replaces an unattractive building with a new start for the facility that will be used to graduate future nurses and other health science students that support the local economy.
4. **The values of surrounding properties are not diminished:** The values of surrounding properties are not diminished and in fact, they believe that the new building supports the continued upkeep of the town of New London and one of its major assets which has a positive effect on property values in this town.
5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:** Literal enforcement of the ordinance would result in an unnecessary hardship to the college as the proposed use is reasonable in the institutional zone as an academic building that is comparable in size to the other buildings on campus. Strict conformance with this ordinance would require a much larger footprint that would require a substantial removal of parking that directly impacts the community's use of the Hogan Sports Center. Additionally, the building is designed for a solar array for sustainability purposes so a redesign with a flat roof would eliminate that option. It is also possible that a redesign would need to include utilization of the basement for its mechanicals which leads to the possibility of flooding and/or other natural damage to that level of the building. Approval of a building height of 52 feet would remedy the anticipated hardship the college would face if the variance were denied.

Carrie Bouton, a resident of Seaman's Road, is a regular swimmer at the Hogan Center and asked if due to the height of the building there would have an effect on the lighting in the Hogan Center pool space. Ms. Peschard stated she does not think the light will be affected but she is happy to look at that.

Renderings of the plans were presented to the board which show the new building in almost the same footprint as the Reichhold building and is set back quite a way back from the road. The length of the new building is 164 feet. The height of the former Reichhold building was about 30 feet but had a flat roof.

Ann Bedard has concerns about the height of the building and would like evidence that the 52-foot height limit will be complied with. Ms. Bedard would like firm numbers on elevation and ridge heights. Ms. Peschard stated the way the ridge elevation averages are calculated is by the grade around the building and the height from that. The area around the building is fairly flat with only a four-inch difference in some spots. Ms. Bedard stated would like this confirmed before the roof is completed so this can be certified.

The first floor will benefit all students with anatomy and physiology lab spaces, study spaces, faculty offices and a coffee bar. The second floor is dedicated to nursing and includes state

of the art simulation space, exam rooms and faculty offices. The new building will have capacity for 210 students. The previous building had capacity for 207 students, so it is roughly the same.

The college has been in contact with the Fire Department inspector, and he had no issues with the proposed height. Adam Ricker also discussed the project with Fire Chief Jay Lyon who also has no issues as the building will be fully sprinklered and vented. Steve Root finds it odd that the ordinance is specific on height limits without any consideration of the fact that there are already buildings taller than that on site and the college was already in existence.

Michael Todd asked what distinguishes this site from other surrounding sites and makes the strict application of the ordinance unreasonable. Ms. Bonewald stated they do not have a lot of vacant space on campus, so this site is the most feasible. Also, over the years, the use of the buildings has changed because they have shifted to the health sciences and these buildings require more lab and work space. It would be a hardship for them to meet the needs of their student body if they can't put this building in this particular location. Mr. Todd noted the reason they are going up is so they don't have to build out. If they were to build out, it would disrupt previously established pedestrian routes, parking and conceivably would upset some utility connections. Ms. Bonewald agreed and stated it would also limit some of their sustainability efforts.

Sue Stuebner, President of Colby Sawyer College shared that this building is an essential part of their expansion of nursing and health sciences as part of their partnership with Dartmouth Health. They are increasing the size of their undergraduate nursing program, have added a highly successful accelerated BSN program, added a MSN degree that offers three tracks and this coming fall will be offering their first doctorate in nursing program. It will have a significant financial impact on the college. Michael Todd stated for the purposes of the Zoning Board of Adjustment, they are confined to the zoning ordinance. It is well established that the economic plight of the landowner is of no concern to the board and doesn't enter into their discussion for arriving at a decision with respect to the five criteria of the variance.

**IT WAS MOVED (Katherine Fischer) AND SECONDED (Ann Bedard) to discuss. THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Todd stated there is no fundamental change to the character of the neighborhood. There is nothing in the granting of this variance that would alter the spirit of the ordinance. There would be no diminution to the values of surrounding properties. If they were forced to expand the footprint of the building, there could be an adverse effect on the established pedestrian walkways, parking and possibly utility connections. There is a sufficient hardship element that is created by the location of this building and their intended uses of it.

**IT WAS MOVED (Michael Todd) AND SECONDED (Ann Bedard) to approve the application having found that the five criteria have been met with the following conditions: The Fire Department must provide their support of the 52' height in writing and the applicant must provide certification of the 52' height once framing is complete. THE MOTION WAS APPROVED UNANIMOUSLY.**

3. **Review of Minutes** – November 1, 2022 – Deferred until the next meeting.

4. **Other Business** – The ZBA discussed electing an interim chair. The interim chair would act as chair until the first meeting after town annual meeting and then a permanent chairman would be elected.

**IT WAS MOVED (Katherine Fischer) AND SECONDED (Michael Todd) to elect Michael Todd as the interim Chair and Ann Bedard as the Vice Chair until the first meeting after the annual town meeting. THE MOTION WAS APPROVED UNANIMOUSLY.**

5. **Motion to Adjourn**

**IT WAS MOVED (Lauren Chadwick) AND SECONDED (Katherine Fischer) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting was adjourned at 7:29PM

Respectfully submitted,

Trina Dawson

Recording Secretary  
Town of New London