



TOWN OF NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT (ZBA) MEETING MINUTES Tuesday, February 2, 2021 Digital – only meeting via Zoom 6:30 PM

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. The public has access to contemporaneously listen and participate in this meeting through the video conferencing platform Zoom.us.

MEMBERS PRESENT: Michael Todd (Vice Chair, voting), Stan Bright (Alternate), Lauren Chadwick (voting), Katharine Fischer (voting), Steve Root (voting), Ann Bedard (voting)

MEMBERS ABSENT: Frank Anzalone, Douglas Lyon, Heidi Lauridsen

OTHERS PRESENT: Kim Hallquist, Town Administrator, Erin Darrow, Mike Brown, Susan Bragg, Jonathan Sisson,

1. **Call to Order**– Michael Todd called the meeting to order at 6:30pm and read the zoom authorization information. Mr. Todd called the roll. Stan Bright: here. Michael Todd: here. Katharine Fischer: here, Steve Root: here, Lauren Chadwick: here. Ann Bedard: here.

2. **Public Hearing:**

Case #: #ZBA21-01 & #ZBA21-02

Owner/Applicant Bragg-Brown Living Trust (Susan & Michael)

Applicant: Erin Darrow, Right Angle Engineering

New Parcel ID 065-009-0-0-0

Address: 1041 Lakeshore Drive

Zone(s): R-2 (Residential 2) & ARR (Agricultural Rural Residential) with Wetlands Conservation and Steep Slope Overlay

Summary:

- #ZBA21-01 – Application for special exception per Article XIII, Section E(1) of the Zoning Ordinance to permit maintenance and improvements to the existing driveway in the Wetlands Conservation Overlay District.
- #ZBA21-02- Application for a Special Exception per Article XIV, Section C(2) of the Zoning Ordinance to permit maintenance and improvements to the existing driveway in the Steep Slopes Conservation Overlay District.

Steve Root read through the Steep Slope provisions and doesn't believe they grant special exceptions. If there is a special exception granted for a use, it is a use that is either permitted or by special exception. The only requirement is that the applicant gets an erosion and sediment control plan approved by the Selectmen. Mr. Todd agrees and if that item is present and the board has approved it then the condition is set and it is not a reason for denial. If they have not been presented with an erosion and sediment control plan approved by the

Board of Selectmen by the end of this meeting then they must continue until they have that. Mr. Root clarified that the applicant is asking for two special exceptions and he doesn't believe they do special exceptions under the steep slope article XIV. Mr. Todd responded then it sounds like is not a separate special exception but the special exception on Article XIII must be conditioned upon the presence of an approved erosion and sedimentation control plan.

Erin Darrow of Right Angle Engineering attended the meeting. She prepared the application for the special exceptions discussed tonight on behalf of the Bragg-Brown Realty trust. The objective of these special exceptions is to undertake a reconstruction to improve the existing driveway that provides access to the single family residence on this property. It is significant to note this is a shared driveway owned by the Bragg-Brown Realty trust. The driveway has been there since the lot was created and anecdotal evidence suggests it used to be an old road to a camp on the property. It provides safety, environmental and maintenance issues that Susan Bragg and Michael Bragg wish to resolve. Mr. Todd noted that he read the deed and there is an easement granted to the neighbor with whom the driveway is shared. Input from the neighbor is not required since the driveway is entirely contained on the petitioner's land. It was confirmed and the Brown-Bragg family indicated that they retained Erin Darrow for the purposes of this special exception.

The work to reconstruct the driveway involves unavoidable impacts to jurisdictional wetlands and also impact to slopes greater than 15% and less than 25%. The existing driveway is approximately 20-22% at the maximum grades. The intent has been to minimize the steepest parts of the driveway and optimize the sight distance to provide access to the single family residence. Currently the way the driveway is aligned it is not possible for two cars to pass and there is not enough stopping sight distance for a vehicle to safely maneuver around another vehicle. It is also difficult for Emergency vehicles, construction vehicles and delivery trucks to access the properties. The intent is to reconstruct the driveway to provide the safest access that they can with infrastructure that they have at hand. They have looked at relocating the driveway but there are many constrictions associated with that. They don't want to clear more than what is necessary and there is also an Eversource easement that runs along the driveway.

Earlier this summer, Ms. Darrow visited the driveway with both New London Fire Chief Jay Lyon and Public Works Director Bob Harrington to get their input. They both agreed the proposed plan makes the most of the resources available and makes the site as safe as possible. Michael Gelcius of the Conservation Commission also visited the site.

Ann Bedard asked if the property boundaries are marked on the schematic that is being presented. Ms. Darrow said yes, the property was surveyed by DiBenardo Associates, a licensed land surveyor. Two culverts will be added and this will decrease the channelization and erosion by dissipating the flow of water. They will be raising the grade of the driveway and although there aren't adequate base materials, this proposal will keep the materials in place since disturbing it will cause more of an impact. They will add road stabilization fabric over the existing ground surface and on top of that add the correct cross section of standard road base materials. It will also be paved which will help address storm water management and erosion control. The average width of the road will be 16 feet which would allow for two cars to pass.

At the top of driveway the edge of the driveway is less than 10 feet from the property line so it is not in compliance. The length of the driveway is 1,397 linear feet. Ms. Darrow is trying

to avoid make sharper curves for the purposes of emergency vehicle access. It is a pre-existing non-conforming driveway and the petitioners wish to improve and expand the driveway. Mr. Todd thinks a variance might be required. It was suggested that this meeting be continued to a date certain which will be March 16, 2021 when Ms. Darrow will present amended plans including an Erosion and Sedimentation Control Plan approved by the BOS.

Wetlands and Soil Scientist Jonathan Sisson noted that the New London ordinance should be amended as the Soil Conservation Service no longer exists and should require approval from the NRCS.

IT WAS MOVED (Michael Todd) and SECONDED (Steve Root) to continue this hearing until March 16, 2021. THE MOTION WAS APPROVED UNANIMOUSLY. Michael Todd: yes, Lauren Chadwick: yes, Steve Root: yes, Katharine Fischer: yes, Ann Bedard: yes

3. Review of Minutes of January 5, 2021

Katharine Fischer noted at the bottom of the first page she would like the phase stating that Hannaford has expanded its to go capabilities to read Hannaford plans to expand its to go capabilities.

IT WAS MOVED (Michael Todd) and SECONDED (Stan Bright) to change the minutes of the January 5, 2021 meeting to state Hannaford's plans to expand its to go capabilities. THE MINUTES WERE APPROVED UNANIMOUSLY. Michael Todd: yes, Katharine Fischer: yes, Ann Bedard: yes, Steve Root: yes, Lauren Chadwick: yes.

IT WAS MOVED (Michael Todd) and SECONDED (Ann Bedard) to approve the minutes of the January 5, 2021 meeting as amended. THE MINUTES WERE APPROVED UNANIMOUSLY. Michael Todd: yes, Katharine Fischer: yes, Ann Bedard: yes, Steve Root: yes, Lauren Chadwick: yes.

4. Other Business

Michael Todd stated an email was circulated that is a recap of law cases regarding recusal of ZBA Board members. Members of this board are governed by civil juror standards when deciding to recuse themselves from sitting on any matter that comes before the board. There must be a substantial pecuniary benefit to the member resulting from the matter at issue for the board member to find it necessary to recuse.

5. Motion to Adjourn

IT WAS MOVED (Steve Root) AND SECONDED (Ann Bedard) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY. Michael Todd: yes, Stan Bright: yes, Lauren Chadwick: yes, Katharine Fischer: yes, Steve Root: yes, Ann Bedard: yes.

The meeting was adjourned at 8:18PM

Respectfully submitted,

Trina Dawson

Recording Secretary
Town of New London