



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT (ZBA)
MEETING MINUTES
Tuesday, April 6, 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: Doug Lyon (Chair, voting) Michael Todd (Vice Chair, voting), Katharine Fischer (voting), Steve Root (voting), Ann Bedard (voting), Heidi Lauridsen (Alt), Stan Bright (Alt)

MEMBERS ABSENT: Lauren Chadwick, Frank Anzalone

OTHERS PRESENT: Adam Ricker, Zoning Administrator, Erin Darrow, Right Angle Engineering, Michael Brown, Susan Bragg, Jonathan Sisson

1. **Call to Order**– Chair Lyon called the meeting to order at 6:30pm and read the zoom authorization information.
2. **Continued 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.

Erin Darrow of Right Angle Engineering presented on revised materials that were submitted to the Zoning Board of Adjustment and provided updated plans. At the last meeting there was discussion related to different components pertaining to the design details. There was a concern about the proximity to the property line, in particular at the northerly part of the property near the house. In the original submission, the edge of the driveway became less conforming to the property line setbacks than is allowed in the driveway

regulations. This is not in the zoning ordinance but the driveway regulations direct back to the zoning board. After the last discussion, Ms. Darrow revisited the information used for the survey and had DiBernardo Associates complete the site survey. They used the subdivision plan from when the lot was originally created. The monumentation met the description in the recorded plan and they had sketched in the property line but they hadn't actually located the corner monument. The survey crew went back out and confirmed the property line matched exactly what they had. After discussion with the property owners it was decided to shift the driveway, downhill is the southerly direction by approximately 3.5 feet. The edge of the driveway doesn't conform to the rules but it maintains its pre-existing non-conforming status. This will require slope work and the removal of trees.

Another concern was to graphically notate in more detail some of the sedimentation and erosion control plans. There was a specific concern regarding the outlets of the culverts where stone pads were placed. Ms. Darrow specified in more detail both in the construction detail sheet as well as on the site plan providing both the location and dimensions of the stone pads. Additionally, more details about the size and gradation of the rock were supplied. The plan is to use a non-woven bio stabilization mat as it is more effective than silt fence. General maintenance includes monitoring them to inspect and take corrective action as necessary. The sediment and erosion control plan still needs approval.

It was suggested by the Fire Chief to provide pull offs for emergency vehicles so if someone were coming down the hill there would be space for an emergency vehicle to pull off to the side. Ms. Darrow reported there are two pull offs, one closer to the bottom of the hill and the other one is on the uphill side of the wetlands crossing before the steep portion of the driveway.

IT WAS MOVED (Steve Root) and SECONDED (Michael Todd) to discuss. THE MOTION WAS APPROVED UNANIMOUSLY. Chair Lyon: yes Michael Todd: yes, Steve Root: yes, Katharine Fischer: yes, Ann Bedard: yes

Chair Lyon stated the criteria for special exception has previously been discussed. Steve Root clarified that they cannot grant a special exception for steep slope as they don't have the authority nor does the applicant need it. The applicant needs to take a proposal to the Board of Selectmen for approval. The correct course would be to approve the special exception in the wetlands subject to the requirement that the Board of Selectmen issue an approval of the sedimentation and erosion control plan. ZBA members were not opposed to this.

IT WAS MOVED (Steve Root) and SECONDED (Michael Todd) to approve the application for the wetlands special exception subject to a condition requiring the approval of a sedimentation and erosion control plan by the Board of Selectmen as specified under the steep slopes article of the zoning ordinance. THE MOTION WAS APPROVED UNANIMOUSLY. Chair Lyon: yes Michael Todd: yes, Steve Root: yes, Katharine Fischer: yes, Ann Bedard: yes

IT WAS MOVED (Steve Root) and SECONDED (Michael Todd) to table the issue of a steep slopes special exception. THE MOTION WAS APPROVED UNANIMOUSLY. Chair Lyon: yes Michael Todd: yes, Steve Root: yes, Katharine Fischer: yes, Ann Bedard: yes

Steve Root noted one of the criteria for a special exception is to consider if there was an alternative path. In the first meeting they discussed with Ms. Darrow if there was an

alternative way of routing the driveway and representation from the engineer reported there was no other way to route the driveway. Adam Ricker also noted a letter will be placed in the file that the Soil Services Center no longer provides [review services for municipalities](#), so the ordinance will need to be updated to remove that. A letter was also received from the Conservation Commission that approved the plan as well.

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3. Review of Minutes of March 16, 2021

IT WAS MOVED (Ann Bedard) and SECONDED (Steve Root) to approve the minutes of the March 16, 2021 meeting. THE MINUTES WERE APPROVED UNANIMOUSLY. Michael Todd: yes, Doug Lyon: yes, Steve Root: yes, Katharine Fischer: yes, Ann Bedard: yes

4. Motion to Adjourn

IT WAS MOVED (Doug Lyon) AND SECONDED (Michael Todd) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY. Michael Todd: yes, Ann Bedard: yes, Doug Lyon: Yes, Katharine Fischer: yes, Steve Root: yes.

The meeting was adjourned at 7:11PM

Respectfully submitted,

Trina Dawson

Recording Secretary
Town of New London