

Variance application: further questions

Case#: ZBA 24-04

Applicant: John C & Mary Ellen Mathewson

Address: 9 Forty Acres Road

Parcel ID: 039-002-0-0-0

John Mathewson (assisted by Phil Forzley) presented the Variance Application (Case# ZBA 24-04) to the Zoning Board on October 15th 2024. During the meeting some questions arose that the applicant must address at a second meeting to be held November 19th 2024 at 6:30 pm.

- 1) The board wants clarification of where the property line along Forty Acres Road is on the map shown in the meeting, including some information regarding the accuracy of the property line.
- 2) The board would like some better justification for putting the garage 8 feet closer to the road than the front of the existing house.
- 3) The board would like some information regarding wetlands seen from Forty Acres Road.

To answer question (1) I sent an email to the surveyor. Below is my email to Derek Mas, who surveyed our property and produced the map that was shown in the meeting:

Hi Derek,

I finally was able to present my variance application to the New London Zoning Board last night and they had a few questions, not surprising. One question I have to answer relates to the map you provided. There was a little confusion regarding what the line corresponding to “approximate right of way of road per deed references” is on the map. Is this the same as the property boundary described in the deed “thence S 54 36’ E three hundred twenty feet along said stone wall to the end of a stone wall; thence S 50 40’ E one hundred eighty feet to said Whitney Brook Road”.

On the map there is a statement that this line should be considered approximate. There was a question from the board, how approximate? Like, less than 1’ error, less than 2’ error?

Is the right-of-way the same as the property boundary? There is another dashed line which I think corresponds to the edge of the road. So this is not the edge of the right-of-way? Note 4 says the current dwelling is about 26.8’ from the road right-of-way but the distance from the nearest corner to the approximate right-of-way line is about 16’. How is the 26.8’ measured?

If you would help to answer these questions I will run the information by Adam Ricker, the Zoning Administrator and see if it is sufficient. If you would like to call and do this over the phone that is fine, or email if you prefer.

Thanks!

John Mathewson

Below is the email response from Derek Mas:

Hi John,

Sorry for the delay in getting back to you. Correct, the Right of Way shown is based on the deed calls you mentioned. We positioned it based on the iron rod I found for your NW corner, the location of the stone wall along Forty Acres Road, and the existing location of the Forty Acres Road and Whitney Brook Road centerline. Because this was not a boundary survey I added the note about it being approximate since we did not do the full boundary analysis of the entire property. I would say that the location is plus or minus 1' from the location shown based on the deed dimensions setting up the right of way boundary.

The Right of Way is the same as your frontage boundary along Forty Acres Road and Whitney Brook Road.

The dashed line shows the edge of the gravel roadway. The 2 short dash 1 long dash line is the road right of way per your deed. Generally speaking the road right of way extends beyond the edge of the roadway to allow for drainage structures, utilities, future road widening, etc.

The 26.8' dimension goes from the NW corner of the house to the Right of Way perpendicularly. I used this corner assuming the garage corner design would not extend closer to the road than that building corner. I have attached our drawing which shows the dimensioning arrow from that corner, labeled 26.8'. Sometimes printer settings plot things much lighter than our settings.

Think that takes care of your questions. Let me know if you have additional questions or need clarification on anything.

Thank you.

Kind regards,

Derek DeMas

Holt Gilmour Survey Associates

derek@vtsurveyor.com

www.vtsurveyor.com

802-457-4649

This information about the right of way location is approximate and never to be used to define the exact right of way location! A boundary survey was not done.

I've been considering question (2):

The main issue with the proposed location of the garage is that I have not shown that to move it back, away from the right-of-way, so that the front is in line with the front of the existing house would result in an unnecessary hardship.

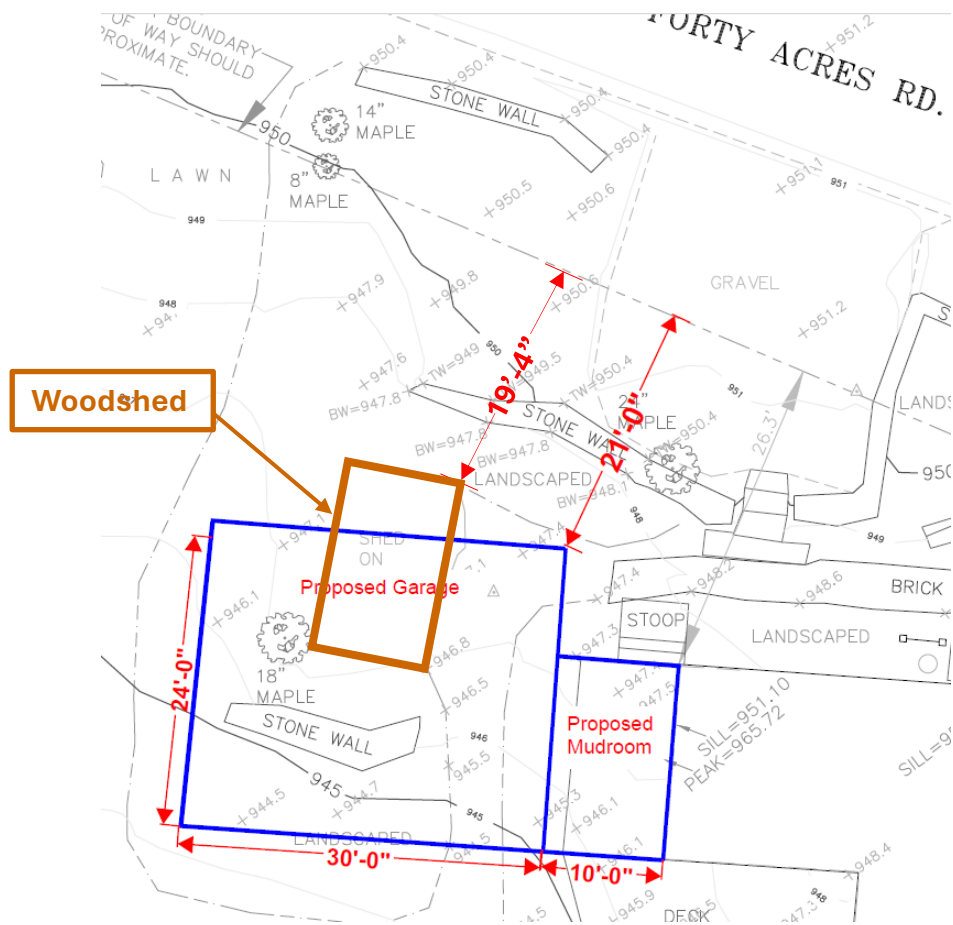
The hardships that will result from moving the garage back are:

- Loss of use of mature lawn and gardens.
- Greatly reduced views of woods behind the house.

There is no gain to the public that results from moving garage back:

- Area in front of garage will be driveway and retaining walls, so will be built on anyway. Effect will only be to increase driveway length from 27 feet to 35 feet.
- The proposed garage location results in increased setback from the right-of-way, as the existing woodshed with setback of 19' 4" will be torn down and replaced by the garage with setback of 21' 0". More details are on the following slide.

Setback from the right-of-way of the existing woodshed (9' 8"W x 15' 4"L x 7'H) is 19' 4". This shed, constructed of wood with concrete floor and shingled roof, is situated in the proposed garage and driveway location. The shed will be torn down to make way for the garage, which will have minimum setback from the right-of-way of 21' 0". To put the garage in the proposed location as shown in the drawing and to remove the woodshed will increase the setback by 1' 8".

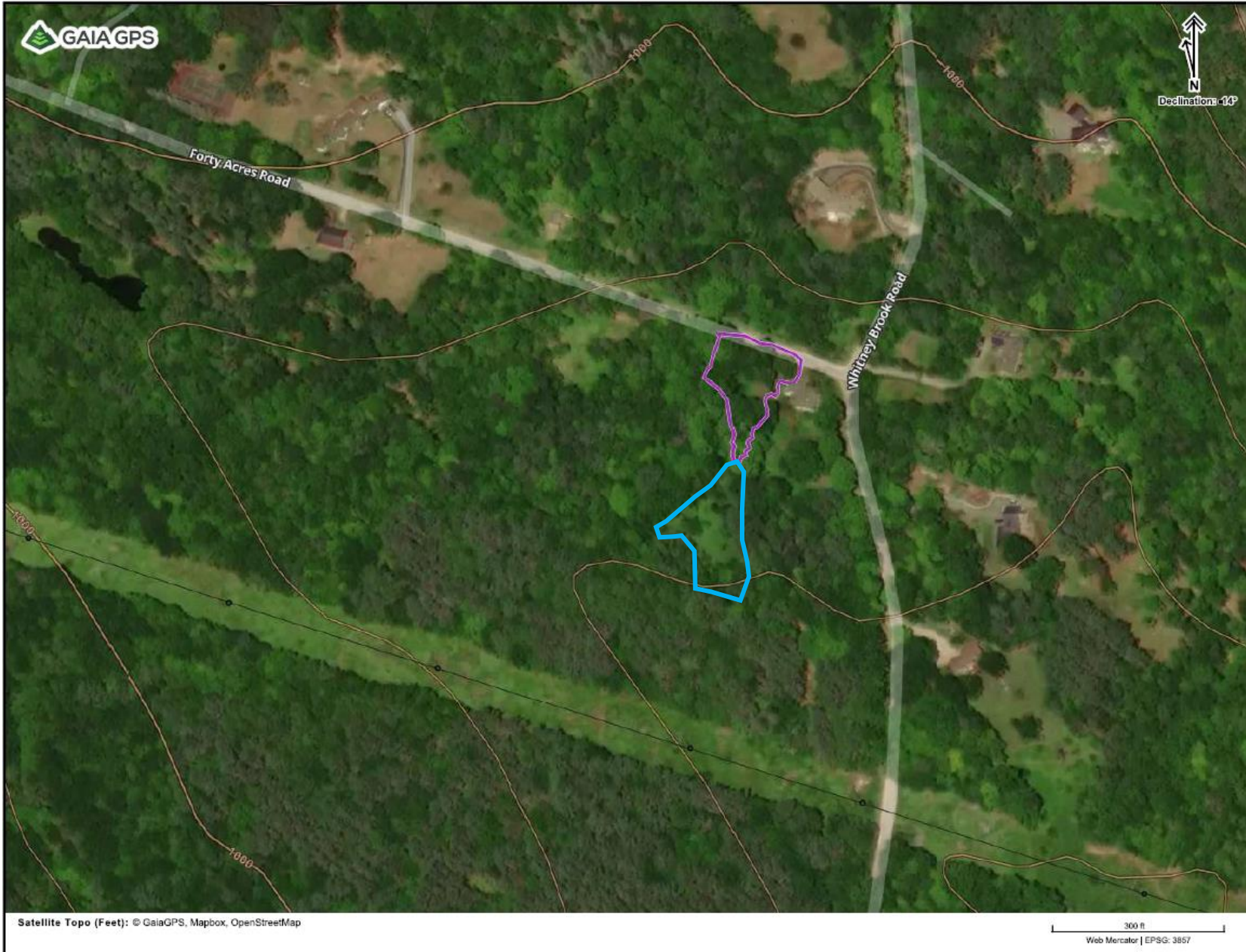


Regarding question (3):

There is an intermittent stream that crosses Forty Acres Road through a culvert approximately 220 feet west of the existing house. The stream does not appear on the New London Streams and Wetlands Protection Map, so it is not a protected stream. The stream continues south from the culvert then becomes a wetland ending in a stream that flows into Whitney Brook just south of our southern property line. The shortest distance from the intermittent stream to the proposed garage location is approximately 85 feet.

I used my cellphone GPS to produce a rudimentary survey which starts at the corner of the existing house, to the southwest corner of the proposed garage, to the northernmost point of the wetland area, then follows the stream up to the culvert, then along the road and back to the corner of the house. Survey accuracy according to Gaia software is about 5 feet. According to my survey, the distance from the southwest corner of the proposed garage to the northernmost point of the wetland area is 125 feet.

I also used cellphone GPS to approximately map the wetland area extent, and this area is shown on the following slide. I don't believe the wetland is a protected wetland as defined in Zoning Ordinance Article XIII G, but as the distance to the garage is greater than 100 feet the garage location should be ok in either case.



John Mathewson
survey route in
purple.

Approximate
wetland extent in
blue.

Culvert

Northwest corner of existing house, start of survey

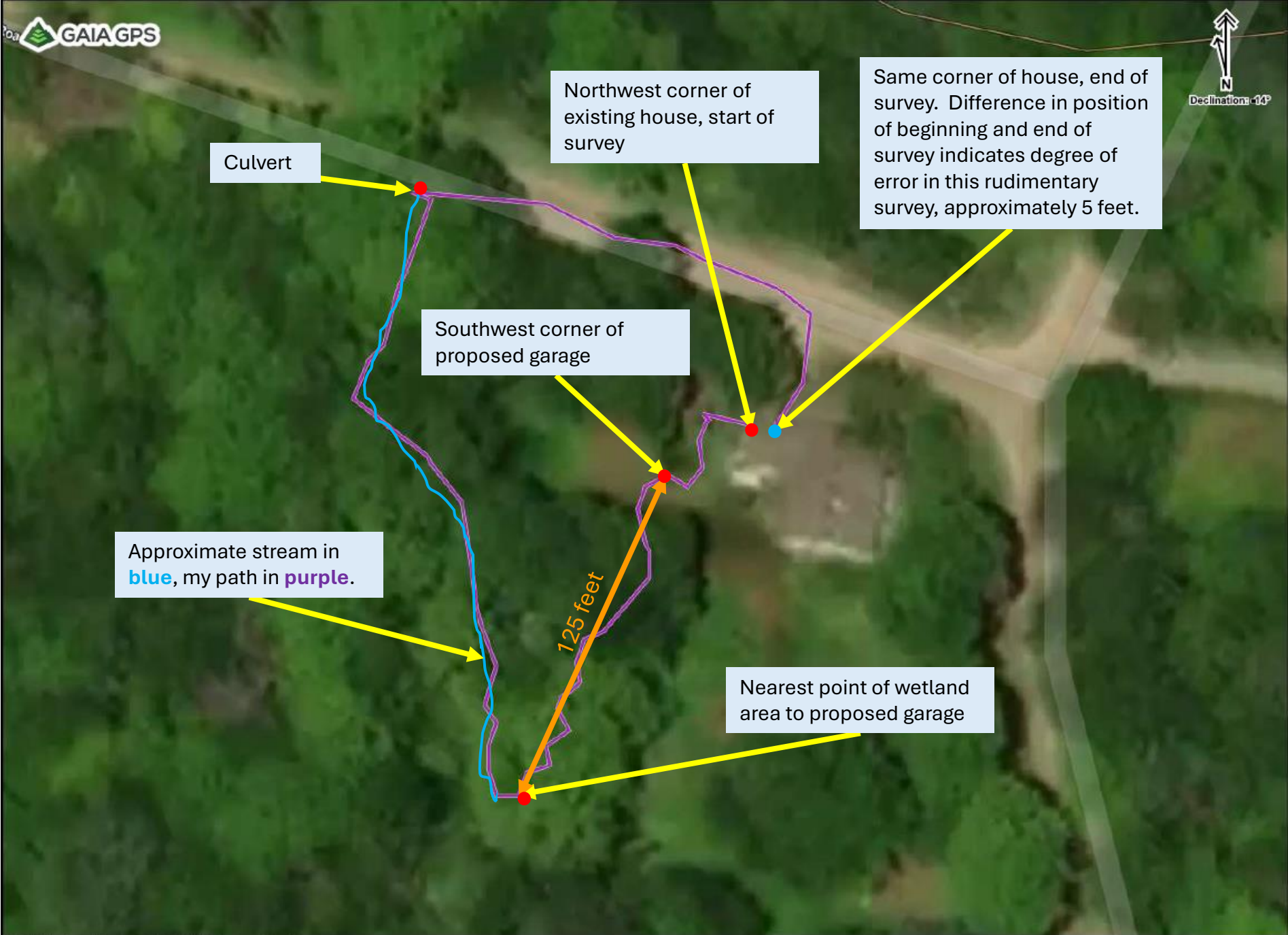
Same corner of house, end of survey. Difference in position of beginning and end of survey indicates degree of error in this rudimentary survey, approximately 5 feet.

Southwest corner of proposed garage

Approximate stream in blue, my path in purple.

125 feet

Nearest point of wetland area to proposed garage





View from culvert east toward house



View from culvert south along stream



View from streambed south



View from streambed east toward house showing old barn foundation



View from northern part of wetland toward house



View from northern part of wetland to south



View from center of wetland to east



View from center of wetland to south



View from center of wetland to west



View from end of wetland south to stone wall along property line



View East along stone wall showing southern end of wetland



View north from Whitney Brook showing where intermittent stream runs into Whitney Brook

Thank you!