



TOWN OF NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD of ADJUSTMENT APPROVED MEETING MINUTES February 21, 2013

Members Present: Bill Green (Chair), Courtland Cross, Doug Lyon and Laurie DiClerico

Also Present: Lucy St. John (Planning & Zoning Administrator)

Chair Green called the meeting to order at 7:30pm. Roll Call.

It was noted that Mr. Vernon had been contacted earlier in the day and informed that only four Board members would be able to make the meeting and was given the opportunity to reschedule. Mr. Vernon said that meeting with four members of the ZBA was acceptable to him. Chair Green noted that the meeting was being recorded and had been properly noticed.

Ms. St. John referred to the staff report provided to the ZBA.

REQUEST FOR SPECIAL EXCEPTION: Tax Map 023-005-000 (and new lot 005-001).

Vernon, Arrolyn (Owner), Mark Vernon (applicant) -Property located at 217 Pingree Road (south side of road). Tax Map 023-005-000 (and new lot 005-001). Special Exception application for wetland crossings pursuant to New London Zoning Ordinance- Article XXI- Board of Adjustment G (4) (1)-page 87: All of the Special Exceptions Uses specified in Article XIII Wetlands Conservation Overlay District, Section E. Special Exceptions, page 50 (1). The applicant proposes to construct a residential driveway across a jurisdictional wetland. Two (2) wetland crossings are needed to provide access to proposed lot 5-1, as shown on the subdivision plan approved with conditions by the Planning Board on Dec 11, 2012. The applicant has obtained a NHDES Wetland Permit 2012-02888.

Mark Vernon presented the application and plan on behalf of his mother, Arrolyn Vernon owner of the property who was in attendance. He also introduced Chris Kessler. He explained they received Planning Board approval on Dec 11, 2012 with condition that they get a special exception from the ZBA for the wetland crossings. Mr. Vernon said he thought this would be the final hearing for the subdivision on his mother's property on Pingree Road. They have received their State Wetlands Permit and he understood that they also need to meet two additional criteria for approval from the Town of New London: that they are crossing at the narrowest part of the wetland to insure minimum impact to the land, and that there is no alternative location to access the land.

Mr. Vernon said that they have chosen the narrowest crossing, which is 15' wide and 160' across. They propose the installation of three culverts and have had input from John Ohler who will be doing the work, and Chris Kessler, who has put together the erosion control plan. Maps were provided to the ZBA to see the plan. He noted that the wetland runs the entire length of the property and so crossing a wetland was necessary.

Public Hearing: No abutters in attendance.

Chair Green said that he looked at the requirements for a Special Exception and found this is permitted by their zoning. There are four different levels of criteria and he didn't see any problem with the information provided and felt the criteria were met.

Mr. Lyon said that in a Special Exception there are three questions the ZBA has to answer. The first is if the proposed is ordinarily prohibited in the district. In this case, this is true. The second question is if the use is allowed as a Special Exception under the terms of the ordinance. Mr. Lyon said that it was. The third question asks if there are conditions specified in the ordinance for granting a Special Exception in this request. He believed that the three questions were all met in this case and that the exception should be granted. Ms. DiClerico agreed with Mr. Lyon and had no problem with the request. Mr. Cross agreed, as did Chair Green.

IT WAS MOVED (Douglas Lyon) AND SECONDED (Courtland Cross) to grant the Special Exception for the Vernon family for the wetlands crossing for the reasons discussed. THE MOTION WAS APPROVED UNANIMOUSLY.

Minutes from September 17th, 2012. IT WAS MOVED (Laurie DiClerico) AND SECONDED (Courtland Cross) to approve the minutes of September 17, 2012, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

Ms. St. John said that for future land use decisions, they should mention whether or not they believe the issue is of regional impact.

Training

Chair Green said that he and Ms. St. John had discussed some possible training opportunities for the ZBA members. The Board discussed prior training and that it was helpful and very detailed. In the past Town Counsel had provided some training. Ms. St. John and Ms. Hallquist had indicated that they were willing to put together a training session to update the ZBA. The Board discussed that prior to the next variance application being presented a training session by staff would be provided focusing on variance requirements and other updates. The Board also expressed the desire to receive information on recent court cases and other information relevant to the ZBA. Ms. St. John could email it to them periodically.

IT WAS MOVED (Doug Lyon) AND SECONDED (Laurie DiClerico) to adjourn the meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 7:50pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London