



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## TOWN OF NEW LONDON ZONING BOARD OF ADJUSTMENT SEPTEMBER 29, 2008

PRESENT: Bill Green (Chairman), Doug Lyon, Laurie DiClerico, Courtland Cross, Michael Todd.

At 7:30 p.m., Bill Green read into the record a letter dated this afternoon from Peter Blakeman stating that applicants for the special exception relevant to the wetlands crossings on the Perry property were withdrawing their application. Applicants may reapply for a special exception upon receipt of the State wetlands application. Dick Reed asked if the zoning board has received a letter from the conservation commission. No. Peter Stanley said there would just be minutes of the September 17 conservation commission forwarded.

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Doug Lyon moved to accept the minutes of August 25. Laurie DiClerico seconded. No further discussion. Motion unanimously approved.

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At 7:45, Bill Green opened the hearing of the request for special exception as permitted by Article XIII Section E-1 of the New London Zoning Ordinance in order to dredge and fill 951 square feet of wetlands and to relocate a portion of an existing driveway access to a greenhouse operation and office. Property is located at 737 Burpee Hill Road in the R1 and ARR zone. Tax Map 56, Lot 7. He called the roll, read the notice of hearing as posted, and announced that the hearing would be tape recorded. Applicants Katherine and George Crozer and Zoning Administrator Peter Stanley were present at the hearing. No abutters or other interested parties attended the hearing or submitted written comments

Katherine Crozer explained that during the site plan review for their new business *Crozer & Crozer Orchids*, the Planning Board suggested that they consider a relocation of the driveway egress. Currently that egress is at the end of Burpee Hill by the island in that road, and on a curve. Concern about safety generated this recommendation.

Katherine Crozer said that wetlands scientist Peter Schauer drew up the proposal presented tonight. The new driveway will be located 200 feet up the road, will have the least impact on wetlands while still complying with requirements of their ASLPT easement. The proposal will result in improvement to the wetlands being impacted by the current driveway and collapsed culverts.

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Board of Selectmen P: 603-526-4821 x 10 F: 603-526-9494	Town Administrator P: 603-526-4821 x 13 F: 603-526-9494	Town Clerk-Tax Collector P: 603-526-4821 x 11 F: 603-526-9494	Finance P: 603-526-4821 x 21 F: 603-526-9494	Assessing P: 603-526-4821 x 20 F: 603-526-9494
Planning/Zoning P: 603-526-4821 x 16 F: 603-526-9494	Fire Department P: 603-526-6073 F: 603-526-6079	Police Department P: 603-526-2626 F: 603-526-2782	Public Works P: 603-526-6337 F: 603-526-9662	Recreation P: 603-526-4821 x 14 F: 603-526-9494

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Doug Lyon asked if the Conservation Commission has looked at this. Peter Stanley said it has, and it approves.

Doug Lyon referred to the three criteria that must be met in order for the Board to grant a special exception. The use must be one that is ordinarily prohibited in the district. The use must be specifically allowed as a special exception under the terms of the ordinance. The conditions specified in the ordinance for granting a special exception must be met. Katherine Crozer referred to pages three and four of their application packet in which Peter Schauer addressed those conditions specified by criteria #3.

Hearing no further questions or comments, Doug Lyon moved to close the public hearing and enter deliberations. Laurie Diclerico seconded. No further discussion. Motion unanimously approved.

Doug Lyon said it appears that the application meets the three criteria, and indeed that applicants have gone beyond the requirements for a special exception here.

Bill Green agreed, noting that they have received the State wetlands approval, and conservation commission approval.

Courtland Cross said he walked the property, and he feels from the standpoint of safety alone, this special exception should be granted.

Laurie DiClerico also agreed to support the special exception noting that effort was made to have the new section of drive cross the wetlands in its narrowest place.

Michael Todd said that in addition to the conditions required by criteria #3, applicants must also either (a) demonstrate that there is no alternate route for the new section of drive that does not cross any wetland, or (b) demonstrate that the proposed drive will have the least impact to the wetland compared to other possible crossing locations. He referred to the map and asked about the various “cow lanes” and stone walls there. He asked about a footpath shown from the house to the green house. Peter Stanley said that is not an improved path. He also noted that it would not be practical to run the new driveway between the house and garage there. Katherine Crozer pointed out that requirements of their ASLPT easement carries certain restrictions that also limits the potential locations for the new drive. In response to Michael Todd’s question, she said the easement was on the property before they bought it. Michael Todd agreed then that those two burdens have been met.

He asked how many buildings are on the property. Katherine Crozer said six. She explained that the outhouse will remain an outhouse until the business generates enough revenue to allow them to plumb it. Michael Todd referred to the response to condition #3 stating that applicants have the necessary funds to complete the project as proposed. Katherine Crozer said that refers to the current application for the new driveway and wetland crossing.

Hearing no further comments, Doug Lyon moved to grant this special exception, Courtland Cross seconded. No further discussion. Motion unanimously approved.

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Michael Todd provided some statistics for the Board's information. Of 27 requests for special exceptions, the Board has denied one, one has been withdrawn, and four were approved with conditions.

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At 8 p.m, Bill Green opened the hearing of a request from Woodcrest Village for a special exception as allowed by Article XXI Section G-IV (f) of the New London Zoning Ordinance in order to construct an addition including two assisted living units (one additional to what is there now), and a community room with bathroom. This will be done on the existing footprint, but will add a second story to the existing flat wing to the right of the building as one faces it from Main St. Woodcrest Village is at 356 Main St. in the Commercial zone. Tax map 084, Lot 008.

Bill Green called the roll, read the notice of hearing as posted, and announced that the hearing would be tape recorded. Applicants Bethany Brenner and Bill Andrews and Zoning Administrator Peter Stanley were present at the hearing. No abutters or other interested parties attended.

Bill Andrews said at the last minute, applicants decided to scale the project back, and he provided new plans at this hearing. He said the flat roof will be changed to a sloped one, the existing apartment will be enlarged, and a community room will be added, but there will not be the second new apartment.

Question was raised about whether or not they need a special exception as this would not result in an increase in use—that is, an increase in the number of residents. It will however, be adding the community room—but a convalescent home is an allowed use in this zone, and all construction will be within the existing footprint. .

Courtland Cross asked if the existing structure is strong enough to support the proposed second story. Bill Andrews said yes, originally, it was designed to have a second story.

Michael Todd asked about the 38-foot height that exceeds the restriction to 35-feet. Peter Stanley corrected that: the new structure will be under 35-feet, and will have a shallow pitched roof.

Question was raised about parking. Again, there will be no increase in number of residents, and the question of parking falls under purview of the Planning Board's site plan review.

Hearing no further comments, Doug Lyon moved to close the public hearing and enter deliberations. Laurie DiClerico seconded. No further discussion. Motion unanimously approved.

Doug Lyon reviewed the three criteria for special exception, and the Board unanimously agreed that all three are met in this case. Peter Stanley cautioned that if the Board votes on the application as submitted, it would essentially be approving a total of two apartments plus the community room.

Doug Lyon moved to approve the special exception for the project as shown in the new plans submitted at tonight's hearing to include renovation of that wing, adding the second story with a slope roof rather than a flat one, enlarging the exiting apartment, and adding the community room. Laurie DiClerico seconded. No further discussion. Motion unanimously approved.

Other

Bill Green reminded Board members to get owner's permission before walking on private property prior to a hearing.

Michael Todd opened some discussion about the possibility of an informal meeting of board members to discuss recent zoning cases to come down from Superior Court. Everyone agreed that continuing education is good, and that the Board should keep current. Several members attend the annual seminars sponsored by LGC and discuss recent cases there. Bill Green added that at one point in the past, Town counsel did meet with the ZBA to discuss recent cases.

Courtland Cross opened some discussion about enforcement.

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The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Sarah A. Denz  
Recording Secretary