

TOWN OF NEW LONDON  
ZONING BOARD OF ADJUSTMENT  
JANUARY 16, 2006

PRESENT: Larry Ballin (Chairman), Russ Cooper, Laurie DiClerico, Bill Green, Betty Herrick.

**PUBLIC HEARING**

Peter Schauer of Shauer Environmental Consultants LLC, representing Randolph Van Cise, requested a special exception to the terms of Article XIII §E-1 of the New London Zoning Ordinance, in order to extend an existing culvert to allow access to a proposed garage and around the existing residence, and to provide an improved parking and turn-around area beside the garage. The residence is located at 82 Little Brook Road in the R-2 zone.

Prior to the hearing, members received packets containing copies of:

- o application and notice of hearing,
- o letter dated December 7, 2005 addressed to Zoning Administrator Peter Stanley from Peter Schauer outlining the proposal, describing the wetlands crossing and addressing the criteria for granting a special exception to the ordinance,
- o application to New Hampshire DES Wetlands Bureau for a Standard Dredge and Fill permit,
- o color photographs of the site,
- o location map (tax map),
- o to-scale site plan of the proposed wetland crossing, including details of the driveway section, silt fencing, headwall, stone lined ditch.

Larry Ballin opened the public hearing at 7:30 p.m., called the roll, read the Notice of Hearing as posted, and announced that the hearing was being recorded. Peter Schauer, Michael Dashner, Randolph Van Cise, Mrs. Schauer, and New London Zoning Administrator Peter Stanley were also in attendance at this hearing.

Applicant's Presentation

Peter Schauer described the location of the property on Little Brook Road north to northwest of Pleasant Lake. He presented a color rendering of the site plan, pointing out the perennial stream, and gave a brief history. In 1993, the Van Cise's obtained wetlands permits for the septic system and to allow the two culverts that are under the current driveway. In 2001, they built their house, and until recently have used it only seasonally. Last year, they took up year-round residence in the house.

There is currently a foundation for the proposed attached-garage on the west side of the house. The Van Cise's plan to build the garage now, and at the same time would like to extend the driveway and enlarge the pad at the driveway's end (in front of, and to the left of the proposed garage) to allow for easier and safer turn-arounds and parking. In addition, the extension would allow access to the rear of the existing house for septic system maintenance.

The plan would necessitate elevating the grade over the wetland, and extending the culvert from the driveway under the proposed pad. This is a 15" diameter culvert, and the extension would add 50-feet to its length. In total, the project will impact 526 square feet of forested wetland. He clarified that there is no defined stream in the area in question, and there would be no impact on any flow. In general, it is just soggy; and is called a "wetland" mainly because of the hydric soils that exist there. The apron (or expanded pad) is in an upland area, and it is from there that the access to the septic system would be allowed. He said that this proposal avoids the removal of a number of trees and the resulting impact on the neighbors that any alternate plan would have.

Betty Herrick asked about those trees that will be impacted by the project. Peter Schauer said a few will be removed, but he noted that the area is already disturbed.

In response to Larry Ballin's request for clarification on the location of the foundation, he pointed that out—to the north (and slightly tilted west) of the house, and he added that applicants plan to put a lawn and path in front of the house. Right now, that area directly in front of the house is their only option for parking, and it is unsafe during the winter time.

Larry Ballin asked if the Conservation Commission has seen this. Peter Schauer said the application was submitted to NH DES on November 28, and applicants received confirmation on December 1 that the State had received the application and found it complete. That is not tantamount to approval of the application. Approval has not yet been received from the State.

In response to Peter Stanley's question, Peter Schauer said it is a Standard Dredge and Fill application rather than Minimum Impact/Expedited because the proposed culvert extension is fifty-feet in length. He went on to say that he assumes that on the same date that the State sent copies of the application to the Town, the Conservation Commission also received a copy. Applicants have not heard one way or the other from that Commission.

Larry Ballin said if the zoning board grants the special exception, it would be on condition that approval by DES is received. He opened the possibility of also adding a condition that Conservation Commission approval be received. ZBA members agreed that review of this wetlands application (not the application for special exception) by the Conservation Commission is required by Article XIII, E-1 of the zoning ordinance, but after some discussion, agreed to assume that the application was at least reviewed by the Conservation Commission Chair, and that no comment from the Conservation Commission (to DES or to this board) indicates that it (the Commission) has no objection to the plan.

Peter Stanley clarified that the stream referred to in Peter Schauer's presentation is not Little Brook. Little Brook is south of this property, is a mapped stream, and would require the 100-foot buffer.

He added that the foundation for the garage was approved at the same time that the building permit for the house was issued. He said the set backs are fine.

Peter Schauer referred to his December 7 letter addressing the criteria for granting the special exception.

- o The proposed wetland crossing area is not visible from public roads, nor is it in a location that would interfere with any public right-of way.
- o This will not have an adverse impact on abutters as all flow will be, as now, allowed to pass through the wetland. The extended culvert will allow flow to continue as now. No water will back up onto adjacent properties.
- o Runoff from the driveway will be directed to the upland area on the other side of the garage for treatment prior to entering the wetlands.
- o The project will neither impede nor accelerate flow through the affected wetland, and will not contribute to flooding or erosion.
- o Surface and groundwater quantity and quality will not be affected.
- o The project will affect only a small amount of wetland (526 square feet) and the remaining wetland will continue to perform the functions of wildlife habitat, groundwater discharge and nutrient removal/retention/transformation.
- o Standard erosion control measures will be utilized during the construction phase, and will be maintained until permanent stabilization has occurred.
- o No town expenditure will be required.
- o Health, safety and well being of the general public will not be affected. Rather, the Van Cise's will be allowed a safer parking and turn-around area, and the area in front of the house—currently their only option for parking, will be freed for landscaping as a lawn and path to the house.

No abutters or members of the public attended this public hearing. Hearing no further comments or questions, Russ Cooper moved to close the public hearing and enter deliberations. Bill Green seconded. Motion unanimously approved.

Deliberations

Bill Green said that the proposal seems reasonable, and suggested the special exception be allowed pending approval by DES. Board members concurred, and Russ Cooper moved that the special exception to Article XIII §E-1 be granted. Bill Green seconded the motion. No further discussion. Motion unanimously approved.

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The minutes of December 12, 2005 were approved.

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Meeting adjourned at 7:50 p.m.

Respectfully submitted,

S.A. Denz  
Recording Secretary