

**Town of New London  
Zoning Board of Adjustments  
August 17, 2009**

**Present:** Bill Green (Chairman), Courtland Cross, Sue Andrews, Michael Todd

Also present: Peter Stanley

Chair Green called the hearing to order at 7:30pm and noted that there were only four members present at the meeting and if there were no objections, they would go ahead with the meeting. There were no objections and so the meeting began. Chair Green announced that the hearing had been properly noticed in the InterTown Record, and on both the Post Office and Town Office bulletin boards.

**SPECIAL EXCEPTION**

**Arthur & Jane Boland  
1519 Little Sunapee Road  
New London, NH 03257**

**Tax Map: 030 Lot: 005**

**PURPOSE OF REQUESTED WAIVER:**

Area Variance to the terms of Article 16, Section C, 2 of the New London Zoning Ordinance in order to dig a trench for propane and electrical lines that will connect to the residence within the 50' setback from the lake.

Chair Green asked the Bolands to state their case and explain why they were requesting the area variance.

Mr. Boland started off by saying that they would like to move their propane tank, which is currently 20' from their house on one edge of the property and is less than 50' buffer of the lake. They were told by the Dead River Fuel Company that they needed a larger tank because they are now residing in New London full-time and the small tank would not be the best for full-time use. Mr. Boland consulted with the Dead River Company to see where the best place to situate the tank would be for easiest filling. It was decided to put the tank in the middle of the property, about 70-80' from the lake. They now need to trench to both the house and the bunk house, which they would also like to provide heat and electricity to. The Bolands were also interested in installing a generator to help with any power outages that may occur during the winter months.

Mr. Todd asked Mr. Boland where the truck the propane truck would be parked to fill the new tank. Mr. Boland said that the truck could park on the side of the road near their driveway, where there is currently a very broad shoulder.

Mr. Cross asked if the current location of the small propane tank was grand-fathered in by the Town. Mr. Boland said that the tank was there in the present location when they purchased the property. Mr. Stanley noted that another reason that the Bolands were upgrading the tank was that a larger tank was necessary to be able to run a generator.

Mr. Cross noted that there was no choice but to violate the 50' setback, as it had already been violated with the original tank. Mr. Stanley explained that the new tank will be perfectly legal outside of the 50' setback, but that it is the trenching that needs to be done within the 50' setback.

Sue Andrews said that if the trenching is done correctly, with proper erosion control, that there wouldn't be a problem. Mr. Stanley said that if the trenching was done by hand, they wouldn't need a state permit to do the work.

Mr. Todd asked if anything else would be in the trench besides electric and propane lines. Mr. Boland said that nothing else would be in the trench.

Mr. Green asked for any other comments. There were no comments or questions.

He then asked Mr. Boland to read through his responses from his application.

1. The proposed use would not diminish surrounding property values because:

*The proposed lines would be underground, not obstruct our neighbor's view, not necessitate tree or scrub removal, and not change the landscape or environment.*

2. Granting the variance would not be contrary to the public interest because:  
*There is no impact on the abutters and no risk of contamination of the lake by the repositioning of the propane and electrical lines.*
3. Denial of the variance would result in unnecessary hardship to the owner because:
  - a) The following special conditions of the property make an area variance necessary in order to allow the development as designed:  
*Because both the main house and bunk house are within 50 feet of the water and there is no other way to provide heat and the electrical lines are needed for the generator to prevent frozen pipes in times of power failures.*
  - b) The same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because:  
*There is no other way of providing heat and power to the buildings which are within 50 feet of Little Lake Sunapee.*
4. Granting the variance would do substantial justice because:  
*Without these new lines we would continue to have an inadequate propane tank for the main house, no heat in the bunk house, and be unable to install a generator to provide heat and power during the inevitable New England power failures.*
5. The use is not contrary to the spirit of the ordinance because:  
*With proper trenching techniques, there is little risk of any harmful environmental impact and these plans would have no visual or functional impact on the abutters.*

Chair Green asked for a MOTION to discuss. Sue Andrews moved the motion. Cort Cross seconded.

**1. The proposed use would not diminish surrounding property values.**

Mr. Cross said that he sees no probable change in property values and had no impact on the property whatsoever. Ms. Andrews agreed. Mr. Todd said that the tank was going to be larger and in a different location but he didn't have a problem with these details increased because there is a lot of foliage on the property.

**2. Granting the variance would not be contrary to the public interest.**

Mr. Todd said that he did not believe it would be contrary to public interest. Mr. Green, Ms. Andrews and Mr. Cross agreed. Mr. Cross added that once the trenching is completed and underground, and as long as there is no problem with the gas or electrical lines, he doesn't feel it would be a problem.

**3. Denial of the variance would result in unnecessary hardship to the owner because:**

**a.) The following special conditions of the property make an area variance necessary in order to allow the development as designed.**

Mr. Green said that given the location of the main house and the bunk house and, partially due to the fact that they want to put in a generator, there is no other way to get it in there. Ms. Andrews and Mr. Cross agreed. Mr. Cross added that as long as it had already been grand-fathered in to violate the 50' setback, it wouldn't make any difference. Mr. Todd agreed.

**3b. The same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because:**

Mr. Green said that this was the only way to get the power to his home. Mr. Todd said it was the least intrusive method. Ms. Andrews and Mr. Cross agreed.

**4. Granting the variance would do substantial justice because:**

Mr. Cross said that he couldn't see any reason not to grant the variance. Ms. Andrews said that they need to have adequate propane to heat the house. Mr. Green and Mr. Todd agreed.

**5. The use is not contrary to the spirit to the ordinance because**

Ms. Andrews said that it was not contrary to the ordinance because she felt there was no risk involved as long as proper erosion control was done. Mr. Todd agreed. Mr. Cross said that it would be any more contrary than the previous violation of the 50' setback was.

Chair Green asked for a motion.

**IT WAS MOVED (Michael Todd) AND SECONDED (Cort Cross) to approve the application for the area variance to allow the petitioners to install a new tank, propane and electric generator lines providing proper trenching techniques are observed during the trenching process.  
THE MOTION WAS APPROVED UNANIMOUSLY.**

**SPECIAL EXCEPTION**

**Donald & Margaret Rasweiler  
61 Scythe Shop Road  
New London, NH 03257**

**Tax Map: 078 Lot: 019**

**PURPOSE OF REQUESTED WAIVER:**

Special Exception as permitted by Article XXII, Section G, 3 to reduce the stream buffer in a developed area immediately adjacent to the house for the purpose of building a deck

Mr. Green asked Mr. Rasweiler to state the reason he was asking for the exception. Mr. Rasweiler noted that on the stream side of the house there is an existing stone patio. It was put in around the time the house was built and needed significant upgrading to be useable. The Rasweilers were proposing the construction of a low height wood or composite deck above the existing patio to be able to use that area for recreational purposes. They would also like to install an outdoor shower. Since there would be no change to the footprint to the house, they did not feel that there would be any difference made to the water runoff from snow melting or rain.

Mr. Cross asked what the elevation of the deck would be above the current patio. Mr. Rasweiler said that the top of the new deck would be about 3' high and would be about one step below the main floor level of the house.

Mr. Todd asked how they would get to the deck. Mr. Rasweiler said they planned to walk around to the deck from the front door. There was no direct access to the deck from the house.

Chair Green asked for a motion to discuss. Mr. Todd moved the motion and Mr. Cross seconded.

Mr. Cross said that he had visited the site. He said that it was pastoral and at a dead end road. He said there were no structures on other side of the stream in question. Mr. Cross said that it seems to him that this was a very reasonable, well-ordered request without any potential impact on neighbors, the neighborhood or the stream. Sue Andrews said that she felt the same way. She said she was familiar with the area and since they were not looking to expand the space of the existing patio, she felt it would not have an impact to the stream. Chair Green and Mr. Todd agreed.

**IT WAS MOVED (Bill Green) AND SECONDED (Cort Cross) to approve the special exception as requested by the Rasweilers and permit them to go ahead with constructing the deck as requested.  
THE MOTION WAS APPROVED UNANIMOUSLY.**

Chair Green asked for a motion to approve the Zoning Board minutes from July 20th, 2009.

**IT WAS MOVED** (Bill Green) **AND SECONDED** (Michael Todd) **to approve the minutes from July 20, 2009 as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting was adjourned at 8:03pm

Respectfully submitted,

Kristy Heath, Recording Secretary  
New London Planning Board