

**Town of New London
Zoning Board of Adjustments
May 11, 2009**

Present: Sue Andrews, Laurie DiClerico, Bill Green, Courtland Cross, Michael Todd

Also present: Peter Stanley, Kelly Gale

Bill Green called the hearing to order at 7:30 p.m. by stating that the hearing was being recorded and that it had been properly noticed in the InterTown Record and on the Town Hall bulletin board(s).

SPECIAL EXCEPTION

**Lois Darrow
42 Fox Run Lane
New London, NH 03257**

Tax Map: 043 Lot: 010

PURPOSE OF REQUESTED WAIVER:

Special Exception as permitted by **Article XXII, Section G, 3** of the New London Zoning Ordinance in order to construct a deck and stairs to extend within the stream buffer by approximately 8” on one corner.

He introduced Kelly Gale as the appointed representative (for Mrs. Lois Darrow) who would present Mrs. Darrow’s request. She also had a handwritten note from Mrs. Darrow which she gave to the Board.

The applicant is applying for a Special Exception use, structure or activity that is permitted with the review and approval of the ZBA, as specified in the Zoning Ordinance by Article XXII, Section G, 3 and can best be described as follows:

She then proceeded to explain how the proposal met the special exception criteria a specified in Article D, Section 3.b of the zoning ordinance:

Criteria 1: Trees (3) less than 4” in caliper measured 4.5 feet above ground may be cut. The trees in question are to be limbed up a certain distance, not removed.

Criteria 2: Normal trimming, pruning and thinning is permitted. The trimming is required to provide more air flow around the new deck and limit the sap/pitch thereon.

Ms. Gale stated that the owner desired to have wide wraparound steps extending off the back and to both sides of the porch, that gracefully cascade toward the stream, the patio on one side and the rhododendron on the other. She said that given the stream buffer zone requirements, Mrs. Darrow seeks a Special Exception to allow the deck and stair in its scaled back configuration to extend within the buffer by approximately 8” on one corner. The patio area is further away from the stream so it does not affect the 100 foot buffer. Peter Stanley had measured the closest point to the building from the edge of the stream on April 22, 2009. The 14’x14’ size is important because Mrs. Darrow has furniture she wishes to reuse on the deck and items (kayaks, bikes and patio/yard furniture) that need to fit below in the off season. Ms. Gale said that it would also be beneficial to have the trees trimmed. She said that Mrs. Darrow would like to start construction as soon as possible so that it would be finished in a timely manner allowing her to use it for this coming summer season.

Bill Green asked if any of the Board members had any questions. Laurie DiClerico stated that it appeared to have a lot of trees between the house and the stream. Peter Stanley agreed that it is well forested and shrubbed all the way down to the stream bed and that Mrs. Darrow was not proposing to remove any of that. He stated that he thought the stream was well protected within the regulations.

Michael Todd asked if the area would have a roof added eventually and Ms. Gale responded that possibly, but it would be gabled to the side so that it wouldn’t shed water off to that side of the house. Michael asked if there were any provisions for gutters and downspouts and Ms. Gale said that Mrs. Darrow did have some gutters on the house now, but she didn’t know if

there were any on the back side of the house. Michael stated that his concern was the dispersement of rain water off the back of the house and the possible percolation from that. Ms. Gale said that the patio that was being put in would have a sand bed beneath it to help with filtering the water. Peter Stanley interjected that it would be helpful to include a foot of crushed stone under the deck area and extend it one foot beyond the perimeter of it (to absorb the drip lines and prevent any runoff). Michael stated that was his point, to fix the roof question now so that if it was eventually added, Mrs. Darrow would not have to come back to the Board for approval. Ms. Gale stated that she had already asked Mrs. Darrow to put stone underneath the deck.

Bill Green moved to discuss and Laurie DiClerico made a motion to discuss. Courtland Cross seconded the motion.

Courtland asked why eight inches was so important considering it would have a minimal impact and he could not see any objection.

Michael Todd stated for the record that the outflow of Little Lake Sunapee has been charted on the map where the stream bed lies and the purpose of the ordinance is to protect the quality of this public water to the extent possible by preserving forest canopy and taking other certain procedures into account that will minimize the erosion and potential contamination of that stream. In the photos they've seen and the testimony they've heard, they see that there is ample forest canopy behind the house. There have been discussions about mitigating any potential erosion by use of crushed stone and any other porous surfaces, so he sees that it is a diminutive impact on the potential on the water of this stream and he had no objection in granting the Special Exception in this case.

Laurie DiClerico agreed.

Sue Andrews agreed.

Bill Green agreed.

Bill Green moved to approve the Special Exception as requested subject to the inclusion of the following condition(s) of erosion preventative measures which include twelve inches of crushed stone under the proposed deck extending under a potential eave on the left (west) side of the deck and a crushed stone drip edge under the eave of the existing house (east side) adjacent to the patio.

Michael Todd seconded the motion.

The **MOTION** was **APPROVED UNANIMOUSLY**.

Bill Green asked for a motion to approve the meeting minutes from the April 20th meeting. Laurie DiClerico made a motion to approve the minutes and Courtland Cross seconded the motion.

The **MOTION** was **APPROVED UNANIMOUSLY**.

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Camille Holmes
Recording Secretary