

**Town of New London
Zoning Board of Adjustments
November 23, 2009**

Present: Bill Green (Chairman), Douglas Lyon, Laurie DiClerico, Cheryl Devoe

Also present: Peter Stanley, Zoning Board Administrator

Chair Green called the meeting to order at 7:30pm and noted that the purpose of the first hearing was to hear the special exception request for the New London Historical Society, as explained below. He announced that the hearing was being recorded and asked that those who wished to speak should identify themselves for the record. JL Toner, the president of New London Historical Society, was on hand to explain their request.

SPECIAL EXCEPTION

**New London Historical Society
73 County Road
New London, NH 03257**

Tax Map: 059 Lot: 022

PURPOSE OF REQUESTED WAIVER:

To allow Historic Village uses consistent with Article XXI, Section G, 4, g of the New London Zoning Ordinance.

JL explained that they were using the house for three purposes. It housed the treasurer and financial office, the data entry site for their inventory and also serves as a small meeting area for them. She noted that they were not living there. Ms. Toner added that they also have their library in the building. Peter Stanley explained that in 1988 there was a provision added to the zoning ordinance for allowing a historic village to exist in this residentially zoned area as a special exception. In the same year, they got a special exception for five of the six parcels that they owned. This property in question was acquired after this time and the Historical Society has been using it without a special exception. He noted that they would still have to go to the Planning Board for a site plan review.

Mr. Lyon asked if this was a contiguous property to five others that have been accepted as a special exception. Mr. Stanley answered in the affirmative and added that this would remain a separate lot of record. Mr. Lyon asked if there was a reason why the lots were not all merged. Mr. Stanley said that they were in the process of merging some of the lots but this one was not included in the merge because it is currently zoned as a single family house and they'd like to keep it that way in the event that they decided to sell the property in the future. He noted that if they wanted to expand the building or change the uses of the building, they would have to describe their uses and changes to the Planning Board and get approval. Mr. Stanley remarked that no one had voiced any complaints regarding this use of the home.

Ed Burt, an abutter to the property in question, and lives on 201 Sunapee Road, commented that he had no issue with the use of the building by the Historical Society, whatsoever.

**IT WAS MOVED (Doug Lyon) AND SECONDED (Bill Green) to discuss.
THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Lyon said that for a special exception there were three questions the board has to ask. He read through the standard questions and concluded that this special exception would comply with the requirement. He noted that they comply and it was clear that this was a continuation of a use that had been approved and applauded for a long period of time. Ms. DiClerico thought it was an appropriate use of the building. Ms. Devoe agreed.

**IT WAS MOVED (Doug Lyon) AND SECONDED (Cheryl Devoe) that the request by the New London Historical Society for special exception to allow the typical historical uses for this lot be approved.
THE MOTION WAS APPROVED UNANIMOUSLY.
SPECIAL EXCEPTION**

**James Bolger
142 Blueberry Lane
New London, NH 03257**

Tax Map: 098 Lot 0003

PURPOSE OF REQUESTED WAIVER:

Special exception as permitted by Article XIII, Section E.1. of the New London Zoning Ordinance in order to cross wetlands with driveway to access the property.

Doug Sweet came before the Zoning Board to represent the Mr. Bolger. He noted that Mr. Bolger owned 15.7 acres of land on the southern end of Blueberry Lane extension. There is currently a driveway that runs onto Mr. Bolger's driveway, but to get onto his driveway he has to leave his property and go onto the abutters' property, make a right angle turn and go back onto his property. Mr. Bolger would like to get a driveway put in off of Blueberry Lane to go through a little bit of a wet swale and into a small driveway to be built onto his property. Mr. Sweet explained that there was no way to get off of Blueberry Lane extension onto Mr. Bolger's lot without somehow passing over the wetlands. He mentioned that Mr. Bolger didn't have a deed to go over the abutters' property, belonging to the Ballins and the Carpenters. He has been allowed to use their driveway, but it was something that needed to be done.

Ms. DiClerico asked if the property line was essentially a stone wall. Mr. Sweet said that it was.

Mr. Sweet shared that a wetland scientist had come in and delineated the entire property and then they surveyed it. The proposed crossing was at the narrowest place. Ms. DiClerico asked if the Conservation Commission had reviewed this plan. Mr. Sweet said that he had reviewed the plan with the chair of the Conservation Commission. The chair felt comfortable and signed off on the application. He said that you do not get anything sent to you under this expedited procedure because it was rather minor. Certain parameters must be met and if the Conservation Commission has signed off on it and if they are not notified by the wetlands bureau in 10 days, it is considered approved. On the other hand, if the Conservation Commission does not sign off it, you have to wait 25 days to get your approval.

Chair Green asked if Mr. Sweet could read through the requirements and standards that he had listed for the special exception. Mr. Sweet read through the requirements that were provided by him, which are attached to these minutes. Chair Green asked what the purpose of the outhouse was on the property. Mr. Sweet said that this was the only system on the property and that Mr. Bolger only uses the cabin rarely. Mr. Sweet noted that Mr. Bolger did not want to have a well or a sewage system on the property and it was noted that this was not his primary residence.

**IT WAS MOVED (Bill Green) AND SECONDED (Doug Lyon) to discuss.
THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Lyon went through the three questions that they must ask when determining if a special exception could be granted. He felt that all the criteria were met. Chair Green asked if they had obtained a driveway permit. Mr. Sweet said that he didn't think that Mr. Bolger needed one. Mr. Stanley voiced to the contrary, explaining that he would need a driveway permit. Mr. Sweet said that they would be in touch with Mr. Lee and would obtain a driveway permit.

Mr. Lyon asked if the requirement of a building permit had anything to do with who owned the property but just because of the fact that it was a new driveway. Mr. Stanley said that this statement was correct and that it was only required for a new driveway, which Mr. Bolger would need. He shared that the Town used to just consider the permit when it was near a public right of way. Now the Town requires a permit for a driveway leading from a public or private road, all the way to the building. Mr. Stanley said that for the modification of a driveway there would not be a fee. Mr. Sweet said that he would check with Mr. Lee on the needs for the driveway.

IT WAS MOVED (Doug Lyon) AND SECONDED (Laurie DiClerico) to approve the special exception request by Mr. Bolger. THE MOTION WAS APPROVED UNANIMOUSLY.

There was some time between the Bolger hearing and the next hearing on the agenda, so the Zoning Board decided to review the minutes from November 4, 2009.

Ms. DiClerico asked that in the second paragraph down on the first page, that the part about the house belonging to the applicant's parents be removed.

There were no other comments.

IT WAS MOVED (Cheryl Devoe) AND SECONDED (Laurie DiClerico) to approve the minutes from November 4, 2009, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

SPECIAL EXCEPTION

**Loretta Steiner
15 Scythe Shop Road
Elkins, NH 03233**

Tax Map: 078 Lot 016

PURPOSE OF REQUESTED WAIVER:

Area Variance to the terms of Article V, Section C,2 of the New London Zoning Ordinance in order to allow a setback of a proposed building from the property line of less than 20 feet.

Mr. Joseph Bucchieri appeared before the Zoning Board to represent Ms. Loretta Steiner. Chair Green gave Mr. Bucchieri the floor to explain the request for an Area Variance.

Mr. Bucchieri explained that they are proposing to replace the old barn, and kitchen "ell". He indicated that they had taken down these parts of the building in the previous week. The barn was built in 1865 between two other properties, and the site has limited space for replacement of the barn, due to its size. He opined that there was no way they could design a garage in another location. Mr. Bucchieri said that they would be using a smaller footprint for the new construction. Because it is angled, some of the structure would be 9' from the property line, and another part would be 13' from the line. He explained that the slope of the land and the boulders within it prevent him from building anywhere else.

Chair Green asked Mr. Bucchieri if they would be infringing on the property line to the right of the structure. Mr. Bucchieri said that they would. He noted that this was the only line being infringed upon. He shared that the current building had been there for 150 years and that the abutter on the right side was very happy that the old building went down and was fine with a new building going in the space. Mr. Bucchieri stated that the house was sited before any zoning or property lines existed. He shared that it needed a kitchen "ell" and a 2-car garage, which would be designed to look like a barn so it would look appropriate in the area. He added that the new garage would be a few feet further from the property line than the old barn had been which was probably four feet. Mr. Bucchieri noted that the house was built as a cottage and the other houses surrounding it were built as homes.

Chair Green asked if they would be constructing an "ell" that was 14' x 16' and a garage that was 24' wide by 26' deep. Mr. Bucchieri confirmed this information.

Chair Green asked if Mr. Stanley had any comments coming from the Town. Mr. Stanley said that what Mr. Bucchieri had said was factual. The structure was close on the right side, but he was proposing to make it further away than it was. He said that there was nothing unusual about this request, given the setting it was in. There really wasn't any other place to go on the lot without having to do an extraordinary amount of blasting. Mr. Lyon said he had driven by to look at the property and agreed that there was not another place for construction to be done.

Mr. Bucchieri noted that the lot was 140' in the front and tapers on both sides.

Chair Green asked Mr. Bucchieri to read through the application responses he had provided to the Zoning Board.

1. The proposed use would not diminish surrounding property values because:
The proposed building replaces an existing structure in severe disrepair that was in the process of collapse.

2. Granting the variance would not be contrary to the public interest because:
It improves the home and its surroundings while occupying a smaller footprint than the existing structure.
3. Denial of the variance would result in unnecessary hardship to the owner because:
 - a) The following conditions of the property make an area variance necessary in order to allow the development as designed.
The home is backed into a sloping property and the only location for duplicating the necessary structure is where the present building has been for more than 100 years. The structure cannot be relocated to another part of the property.
 - b) The same benefit cannot be achieved by some other reasonably feasible method that would not impose and undue financial burden because:
The opposite side of the home is burdened by similar property lines and would demand extensive excavation and would still be close to the property line.
4. Granting the variance would do substantial justice because:
It duplicates an existing structure, while substantially improving the property and its neighboring homes.
5. The use is not contrary to the spirit of the ordinance because:
The property is in a R-1 zoning district and other homes also do not comply with present setbacks.

**IT WAS MOVED (Doug Lyon) AND SECONDED (Laurie DiClerico) to discuss.
THE MOTION WAS APPROVED UNANIMOUSLY.**

1. The proposed use would not diminish surrounding property values because:
Chair Green felt that this was well-stated already. The building was in disrepair and the proposed construction would be an improvement and would improve property values. Ms. DiClerico, Ms. Devoe and Mr. Lyon agreed with Chair Green's statements.
2. Granting the variance would not be contrary to the public interest because:
Ms. DiClerico said that this was not contrary to public interest. She said that there would be a smaller footprint with the new design and that it would be improving the property. Ms. Devoe, Mr. Lyon and Chair Green agreed with Ms. DiClerico's comments.
3. Denial of the variance would result in unnecessary hardship to the owner because:
 - c) The following conditions of the property make an area variance necessary in order to allow the development as designed.
Chair Green said that the case was well-stated and that there was no other place to fit the new construction. Mr. Lyon said that this was usually the place where they struggle as a board to make these types of decisions. In preparation, he went to look at the property and agreed that there was no other way to do it. Ms. DiClerico had no additional comments and she and Ms. Devoe both agreed with the statements made by Chair Green and Mr. Lyon.
 - d) The same benefit cannot be achieved by some other reasonably feasible method that would not impose and undue financial burden because:
Chair Green said that the criteria were connected to the issues discussed with regards to the site conditions of the property. Mr. Lyon and Ms. Devoe agreed.
4. Granting the variance would do substantial justice because:
Chair Green thought that granting the variance would do justice because the old building needed to come down and he felt that the neighbors would appreciate the upgrades to the property.
5. The use is not contrary to the spirit of the ordinance because:

Chair Green said that it was not contrary to keeping with the ordinance for the reasons mentioned above. Mr. Lyon said that it made the property less nonconforming. Ms. DiClerico agreed.

IT WAS MOVED (Doug Lyon) AND SECONDED (Laurie DiClerico) to approve the request by Loretta Steiner for a variance to construct the replacement building as described in the application. THE MOTION WAS APPROVED UNANIMOUSLY.

Mr. Stanley asked Mr. Bucchieri to ask him to visit the site before they poured the footings so that he could verify the setbacks.

IT WAS MOVED (Doug Lyon) AND SECONDED (Cheryl Devoe) to adjourn the Zoning Board meeting of November 23, 2009. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 8:45pm

Respectfully Submitted,

Kristy Heath, Recording Secretary
Town of New London