

**TOWN OF NEW LONDON  
ZONING BOARD OF ADJUSTMENT  
OCTOBER 10, 2005**

**PRESENT:** Larry Ballin (Chairman), Bill Green, Russ Cooper, Caroline Newkirk, Brian Prescott.

**PUBLIC HEARING**

**Pierre Bedard of Bedard & Associates, representing Sydney L. Crook, requested a variance from the terms of Article V §B-1 of the New London Zoning Ordinance, to allow creation of a lot on Davis Hill, without road frontage. The property is located on Clark Lane and Davis Hill Road, Tax Map 068-017&018, in the ARR zone.**

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 would be recorded.

Applicant's Presentation

Pierre Bedard said the owner's objective is to assure protection of, and public access to the scenic view known as "Clark Lookout." The Lookout has long been on the New London Master Plan's list of priorities for protection.

He pointed out that there is a "paper subdivision" of the Crooks' land there, consisting of ten separate lots. They plan to appear before the Planning Board tomorrow night, to merge those lots, and then subdivide out this one. The new lot of 4.47 cleared, maintained acres, will be placed in a conservation easement granted to Ausbon Sargent Land Preservation Trust.

Applicants will recommend that visitors park in the State's Park & Ride on Route 103A, and walk up Clark Drive and Lookout Drive. They are also requesting that there be controlled vehicular access and parking on the loop of Lookout Drive for handicapped persons, via a locked gate. Key will be held by either the Town or the Conservation Commission.

Both Sydney Crook and Debbie Stanley described the view, and showed a photograph of it. In response to Larry Ballin's question, Sydney Crook confirmed that there will be no construction on the lot, and that restriction will be written into the conservation easement deed.

Larry Ballin opened the floor to questions and comments.

Victoria Gage explained that she is here to represent her family, i.e. the Nicholas-Gilman Trust, which abuts this property. Although the family supports the idea of allowing public access to the lookout, and is in favor of anything that will slow growth, they do have concerns regarding parking and traffic to the site. They don't want to see more traffic on Davis Hill Road. She asked to confirm that the intention is to have visitors park at the Park & Ride on 103A, and that signage will direct them to do so. She pointed out that the stone walls lining the road are "right there," and she requested that there be signage advising people that the abutting land is private property.

Larry Ballin said those are legitimate concerns, and will be reflected in tonight's record, but pointed out that traffic and parking issues usually fall under the purview of the Planning Board. Those do seem to be resolved in this case, with the signage directing people to park at the Park & Ride, and the controlled vehicular access for handicapped persons only. That notwithstanding, he suggested that Ms. Gage bring her concerns forward at tomorrow night's Planning Board hearing.

Les Norman, Chairman of the New London Conservation Commission, said the Commission is wholeheartedly in favor of protecting this lot, allowing public access and the controlled vehicular access for handicapped persons.

Larry Armstrong said he hoped the Board will approve this, and allow the Town to take advantage of Mr. Crook's generosity. He, too, pointed out that this area has been targeted for protection in the Master Plan, and granting this variance would be in keeping with that.

Larry Ballin read into the record a letter from abutters Bruce and Jan Cerullo supporting the variance, and suggesting the scenic overlook be named in Sydney Crook's honor.

Hearing no further questions or comments, Brian Prescott moved to close the public hearing, and enter deliberations. Russ Cooper seconded. No further discussion. Motion unanimously approved.

### Deliberations

Russ Cooper pointed out that the application meets the five criteria required for a variance. Specifically:

1. There will be no diminution in value of surrounding properties as a result of granting the variance.
2. This will certainly be of benefit to the public interest.
3. Denial of the variance would result in unnecessary hardship to the owner ( in pursuing his objective of allowing public access to the beautiful scenic view from Clark Lookout).
4. In granting the variance, substantial justice will be done.
5. The use contemplated by the petitioner (as described above), will not be contrary to the spirit of the zoning ordinance, and will be in keeping with priorities set out in the Town's Master Plan.

Brian Prescott moved to grant the variance. Bill Green seconded. No further discussion. Motion unanimously approved.

### **PUBLIC HEARING**

**Paul & Joanne Lazdowski requested a variance to the terms of Article XVI §H-2 of the New London Zoning Ordinance, in order to construct a new foundation (frost wall) beneath an existing house and deck which is partly within the fifty-foot setback from Lake Sunapee. The property is located on Moyahs Lane, Tax Map 103-015, in the R-2 zone.**

Larry Ballin opened the public hearing at 7:45 p.m., called the roll, read the Notice of Hearing as posted, and announced that the hearing would be recorded.

### Applicant's Presentation

Paul Lazdowski explained that the house is approximately 100-years old, and since the 1960's-70's, it has been let go to the point that the foundation upon which it is resting has moved quite a bit, causing doors to be uneven and windows to begin popping out. Working with Mike Howard of Howard Construction, they have determined that instead of putting in a full foundation, putting in a four-foot deep frost wall all around the house and including the area where the deck is, may be the best way to approach this. Their intention is to keep it as a seasonal house, but to extend the season a little longer—including spring, summer and fall—first by addressing the shifting foundation, then by replacing the windows in order to keep the house more comfortable. He added that they do plan to renovate the house, keeping it similar to the way it looks now. They did not bring all the renovation plans with them tonight, as this hearing is only for the variance allowing the frost wall within the fifty-foot setback.

Bill Green asked if the footprint will change. Paul Lazdowski said the footprint will remain the same under the house, but the frost wall will square off the area of the deck. Peter Stanley clarified that the deck is outside the fifty-foot setback.

Russ Cooper asked for a definition of frost wall. Paul Lazdowski explained that nothing will go under the house. Rather the house will be jacked up, supported, and the perimeter (the footprint) including the area under the deck will be excavated. A four-foot deep foundation using ICF form system will be poured. Then the house will be jacked

down so that it is level, and framing and insulation will be done as needed in that area between the new frost wall and existing sill of the house.

Larry Ballin asked if that means there will not be a boxed-in area beneath the house. Paul Lazdowski said there will be the four-foot frost wall all the way around, and that will be built up to the existing sill. Their understanding from Peter Stanley is that the house will be above the flood elevation.

Larry Ballin asked if they will retain the stone pilings. Paul Lazdowski said those will be removed during the work, but then put back to retain the look of that era.

Abutters Bill and Kate Clough said they have watched this house moving for the last 25 or 30 years, and are glad to see someone trying to settle it down. They support the plan.

Larry Ballin asked about the excavation process. Paul Lazdowski said a low pressure back hoe will be used, and Peter Stanley added that applicants have indicated that most of the excavation will be done from outside the fifty-foot setback.

Brian Prescott asked if the only reason a variance is required is because it is going from pillars to a frost wall, a different type of foundation. Peter Stanley said yes, adding that the State permits that. Larry Ballin asked if the Town does not, only because it is within the fifty-foot setback. Peter Stanley said yes, otherwise it would simply require a building permit. He added that only a portion of it is within the setback. Russ Cooper asked how much. Paul Lazdowski said about a fourth of the house, and that portion does not include the deck.

Hearing no further questions or comments, Brian Prescott moved to close the public hearing and enter deliberations. Bill Green seconded. No further discussion. Motion unanimously approved.

#### Deliberations

Brian Prescott said he sees no problem with this, it's a good idea to save the building, and Larry Ballin agreed that it is good to see the building's original appearance and size retained. Bill Green pointed out that only a small portion of the house is within the setback, and that not including the deck. He said that with reasonable care, the work will have little impact on the lake.

Zoning Board members completed review of the five criteria for granting a variance, and found that:

1. There will be no diminution in value of surrounding properties as a result of the granting the variance.
2. This will of benefit to the public interest (as it will preserve the house, retaining the look of its era).
3. Denial of the variance would result in unnecessary hardship to the owner. Both owners and abutters attest to the fact that the building is shifting on its current foundation.
4. In granting the variance, substantial justice will be done, allowing preservation of the building.
5. The use contemplated by the petitioner will not be contrary to the spirit of the zoning ordinance.

Brian Prescott moved to approve the variance. Bill Green seconded. No further discussion. Motion unanimously approved.

Meeting adjourned at 8:05 p.m.

Respectfully submitted,

S.A. Denz  
Recording Secretary