



Town of New London

Zoning Board of Adjustment

*P.O. Box 240
375 Main Street
New London, NH 03257*

NOTICE OF DECISION

New London Zoning Board of Adjustment

RE: GEORGE P. QUACKENBOS

March 13, 2006

(May 1, 2006 amended version)

George P. Quackenbos requested a variance as provided in Article XIII §F-1 of the New London Zoning Ordinance in order to locate a leach field within a 75-foot wetland buffer, and a special exception as provided by Article XXII §G-3 in order to reduce the depth of the stream buffer which is required by Article XXII §D-3. The property is owned by SAJP LLC, and is located on Bunker Road in the R-2 zone.

After lengthy discussion during which the Board received input from the applicant, Conservation Commissioners Terry Dancy and Les Norman, Zoning Administrator Peter Stanley, Pleasant Lake Protective Association representative John Wilson, and two abutters, the Board approved the special exception as provided by Article XXII, G-3 with the following conditions, **in a vote of three to one with Russ Cooper opposed**: (bold print indicates amendment made by Board on may 1, 2006).

1. The required 100-foot stream buffer will be reduced according to the following dimensions:
 - o beginning at a point on the property 80-feet in from the property line at the road, the stream buffer requirement will be reduced to 60-feet to allow cutting for the driveway, and that reduction will be allowed to a point 140-feet from the road,
 - o at that point 140-feet from the roadway, the stream buffer will be reduced to 25-feet to accommodate the house site, and maintained at 25-feet to a point 250-feet from the road,
 - o at that point 250-feet from the road, owners will return to the required 100-foot stream buffer.
2. All drainage should be directed away from the stream, and the application for building permit must include erosion control plans.

Regarding the requested variance allowing reduction of the setback from the wetland for a leach field from 75-feet to 50-feet, the Board received input from representation of Pleasant Lake Protective Association, abutters Ed and Cathleen Gerwig. After some discussion, the Board determined that:

- o The variance will not result in diminution of surrounding property values.
- o The variance will be of benefit to the public interest, as any other location of leach field would impact wetland or stream on the property. As recommended during the hearing, the owners will be using the "Clean Solution" septic system, and confirmed that the pipe from the house to the leach field will avoid the wetland.
- o Denial of the variance would result in unnecessary hardship to the owner, and might preclude owner from using the property.
- o The variance will do substantial justice, in allowing owner to use the property.
- o The use contemplated is not contrary to the spirit of the ordinance. Specifically, of options available on this property, the proposed leach field site will have the least impact on wetlands and stream.

The Board voted unanimously to grant the requested variance.

Lawrence Ballin, Chairman
Russell Cooper
Cheryl Devoe
Laurie DiClerico
Brian Prescott

NOTE: Application for rehearing on any question of the above determination may be taken within 30 days of said determination by any party to the action or person affected thereby according to New Hampshire Revised Statutes Annotated. 1955, Chapter 31:74-76.

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