



TOWN OF NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT (ZBA) MEETING MINUTES Tuesday, August 18, 2020 Digital – only meeting via Zoom 6:30 PM

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. The public has access to contemporaneously listen and participate in this meeting through the video conferencing platform Zoom.us.

MEMBERS PRESENT: Douglas Lyon (Chair), Frank Anzalone, Michael Todd (Vice Chair), Ann Bedard, Stan Bright (Alternate), Lauren Chadwick

MEMBERS ABSENT: Katharine Fischer, Heidi Lauridsen, Steve Root

OTHERS PRESENT: Nicole Gage, Zoning Administrator, Doug Gamsby, Donna Weaver

1. Call to Order—Chair Lyon called the meeting to order at 6:30pm.

2. Roll Call – Chair Lyon called the roll. Doug Lyon: here. Stan Bright: here. Michael Todd: here. Frank Anzalone: here. Lauren Chadwick: here. Ann Bedard: here. Lauren Chadwick will be a voting member tonight.

2. Public Hearing:

Case #:	#ZBA20-02 (Variances)
Owner:	WEAVER, DONNA LYNN
Applicant:	Doug Gamsby, Greenline Property Services LLC
New Parcel ID	106-006-0-0-0
Address:	38 Beaver Point
Zone(s):	ZONE R-2(Residential) with FEMA Flood Hazard Area A and Shoreland Overlay (Messer Pond)

Summary of the Case: A variance is requested from Article V (5) Section C2 and a variance is requested from Article XX (20) Section B4 of the Zoning Ordinance to permit a small deck within the 25-foot side setback and vertical expansion of a structure in the waterfront buffer.

Chair Lyon noted that there were two letters of support received from neighbors and all board members have copies of the letters.

Doug Gamsby attended the meeting via zoom to present the application. Mr. Gamsby explained that this is a very small lot in a very old subdivision. It was subdivided in 1956. The lot has an area of approximately .02 of an acre. Since the subdivision was created, the lake level has come up and one of the monuments is actually in the water and a portion of the property is under water making the usable area of the lot that much less.

The proposal is to take down the existing structure and build a new two story structure in the same footprint, using the existing foundation. By using the same foundation there will be less disturbance to the ground. The only difference is there are taking the detached garage and sliding it over and attaching it to the building. The paved driveway will be removed, and replaced with a pervious driveway to help with storm water. Two storm water retention areas are being created as well as stone drip edge all around the property to help with drainage. A new septic system will be installed which will meet the current standards. They have received shore land approval. The septic has not been approved yet but is in process. An existing oil tank in the basement will be replaced with a propane tank further away from the lake.

The existing deck wraps around the side of the building and the applicant is asking to replace one portion of the deck.

Mr. Gamsby provided the following information regarding the five criteria that need to be met for a variance:

1. **The variance will not be contrary to the public interest** – The house will be built in the same footprint using the existing foundation. The existing deck will be partially removed and partially reconfigured away from the pond. The existing detached garage is being replaced with an attached garage. The paved driveway will be replaced with a pervious driveway which will decrease the impervious surface of the lot by 7.2%. The existing septic system will be replaced and the existing oil tank will be replaced with a propane tank. The updated house will have a stormwater management system consisting of stone drip edges and drywells.
2. **The spirit of the ordinance is observed** - The house will remain a 2 bedroom house year round but will expand with the addition of a second floor for a more age appropriate dwelling. The footprint inside is not conducive to a lot of cross traffic. All doors are being widened to accommodate walkers and/or wheelchairs. Last year when the project started, the regulation at the time allowed a maximum 25' height in the 50' waterfront buffer. The design was originally done with that in mind. Now, they have to ask for more of a waiver. The maximum height will be approximately 24'-4" and 19'-8 1/2" on the lower roof line. No trees will be cut and additional landscaping will be done to further enhance the area around the house.
3. **Substantial justice is done** – The majority of the house (1120 sq. ft. or 88%) is within the 50' waterfront buffer so there is only one little section that doesn't fall within the 50 ft. buffer. There is almost no room at all to do any vertical expansion outside of that buffer. The proposed deck reconfiguration on the westerly side is to slightly extend the deck on that side for dining purposes. They are removing a major portion of the lake side of the deck.

Michael Todd asked Mr. Gamsby if he has walked around the neighborhood to look at other cottages in the area. What is the essential character in that neighborhood? Mr. Gamsby responded that yes, he had, and the houses are very small and modest like this one. All are very close to, if not, within the 50 foot waterfront buffer. Almost all of the houses have two stories. In his opinion, these changes will have very little effect on the essential character of the neighborhood. If anything it is bringing it more in line with the look of the neighborhood.

4. **The values of surrounding properties are not diminished** - The proposed house is a more modern design and look. No abutters will be affected with the increased vertical expansion. All aspects of the property will be enhanced to prevent detrimental effects to the pond and the neighborhood in general.

Michael Todd asked what the side setback will be before and after and is that noted on the diagram. Mr. Gamsby stated the existing garage side setback is 5 feet on the westerly side. The new proposal has the edge of the deck at 9 feet. A boundary line survey was not done with this plan as it was created in 1955. The house to the west was recently surveyed and he recovered all the monuments on that plan and he has shown all the monuments in the same location. On the Easterly side, there was survey done in the late 1990's. He didn't feel it would be necessary for a survey of the property since they aren't changing anything. The recent surveys have recovered the monuments documenting everything is the same.

Michael Todd stated he has concerns because this is waterfront property and waterfront property is usually more valuable than back land. It is a very tiny lot and he wants assurance that in fact the setbacks that are claimed are, in fact, what they are. In order to do that, they generally rely on a survey. Mr. Gamsby offered to provide the two surveys that have been done on both sides. Mr. Todd is not convinced there is enough information to make the right decision. Mr. Gamsby feels that requiring a survey would be an unnecessary expense.

Ann Bedard is hesitant because a survey was not done to make sure the measurements are accurate. She would also like to see numbers for the side setback. Mr. Gamsby understands but in this case there has been surveys done on each side of the property.

5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship** - The hardship is that the owner has lived in this house for 10 years and is getting older. She needs more room to move around the house. She wants to continue living in this area and to be able to enjoy it. A second story would allow for the additional mobility for her, her family and guests. The lot is very small and there is no room to expand horizontally.

Chair Lyon stated the concern from the Board is that despite the fact that the boundaries were surveyed by licensed surveyors, there is a chance the boundaries have been moved since the surveys were done.

IT WAS MOVED (Doug Lyon) AND SECONDED (Ann Bedard) to discuss. Doug Lyon: yes. Michael Todd: yes, Frank Anzalone: yes, Lauren Chadwick: yes, Ann Bedard: yes. THE MOTION WAS APPROVED UNANIMOUSLY.

Doug Lyon stated that there is concern about the lack of setback measurements. Michael Todd agrees and recommends a continuance to a date certain when they can return with a surveyed plan consistent with the application. The applicant needs to provide the full requirements of the application. Frank Anzalone explained he would like to know what the existing side yard is at its shortest point and what the proposed side yard is at its shortest point. This way it will be documented.. He would also like to see the dimensions of the property lines, on the property lines so they can look at the deed and the plan to see that they match. Mr. Gamsby will provide setbacks from all sides. Chair Lyon would like the plan to show the square footage of the existing structure and the square footage of the proposed structure with a break down between the first floor and second floor. Mr. Gamsby has agreed to put the flood elevation and reference lines on the plan too.

The next meeting is September 15, 2020 and Chair Lyon suggested continuing this hearing on that date. Chair Lyon closed the hearing with the expectation that this will be continued on September 15, 2020 with the new information.

3. Review of Minutes of July 7, 2020

IT WAS MOVED (Doug Lyon) and SECONDED (Ann Bedard) to approve the minutes of the July 7, 2020 meeting. THE MINUTES WERE APPROVED UNANIMOUSLY. (Doug Lyon: yes. Michael Todd: yes, Frank Anzalone: yes, Lauren Chadwick: yes, Ann Bedard: yes.)

4. Other Business—none

5. Motion to Adjourn

IT WAS MOVED (Doug Lyon) AND SECONDED (Frank Anzalone) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY (Doug Lyon: yes. Michael Todd: yes, Frank Anzalone: yes, Lauren Chadwick: yes, Ann Bedard: yes. Stan Bright: yes).

The meeting was adjourned at 7:47PM

Respectfully submitted,

Trina Dawson

Recording Secretary
Town of New London