



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT (ZBA)
MEETING MINUTES
Tuesday, October 16, 2018
6:30 PM

MEMBERS PRESENT: Douglas W. Lyon (Chair), Katharine Fischer, Ann Bedard, Heidi Lauridsen (Alt), Frank Anzalone, Stan Bright, Bruce Hudson (Alt)

MEMBERS EXCUSED: W. Michael Todd

STAFF PRESENT: Nicole Gage, Zoning Administrator

OTHERS PRESENT: Craig Howe, Talbot Builders, Rich Badmington

1. Call to Order – Chair Lyon called the meeting to order at 6:30 pm.
2. Roll Call – Chair Lyon called the roll.
3. Review Minutes

IT WAS MOVED (Heidi Lauridsen) AND SECONDED (Katharine Fischer) to approve the minutes of the September 18, 2018 meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

4. PUBLIC HEARING

PUBLIC HEARING for SPECIAL EXCEPTION, Case #ZBA18-16 for tax map 033-026-000, 492 Little Sunapee Road, zoned R2 with Wetlands & Streams Conservation Overlay Districts, Owners Richard & Catherine Badmington, Applicant Craig Howe/Talbot Builders LLC. The applicant is applying for a Special Exception permitted with the review and approval of the ZBA as specified in the Zoning Ordinance by *Article XIII, Section E.3* and can best be described as follows: A reduction of the depth of the of the *Wetland Buffer* to allow for the construction of a 20'x30' addition with a 10'x33.5' deck.

PUBLIC HEARING for SPECIAL EXCEPTION, Case #ZBA18-17 for tax map 033-026-000, 492 Little Sunapee Road, zoned R2 with Wetlands & Streams Conservation Overlay Districts, Owners Richard & Catherine Badmington, Applicant Craig Howe/Talbot Builders LLC. The applicant is applying for a Special Exception 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: The reduction of the depth of the of the *Stream Buffer* to allow for the construction of a 20'x30' addition with a 10'x33.5' deck.

There will be one hearing although it is listed as two. The special exceptions being requested are for a wetlands exception and for a woodland streams exception. This is a reduction of depth in the wetland buffer to allow for the construction of another building.

In the ZBA report sent out by the Zoning Administrator, Nicole Gage, she alluded to an easement that is on the property and had notified Ausbon Sargent. Chair Lyon spoke with Andy

Deegan, Land Specialist at Ausbon Sargent and Debbie Stanley, the Executive Director and both reviewed the easement. The easement is old and a little odd, but there is nothing in the easement that would prohibit the development that is being proposed. Also, Mr. Deegan went out and walked the property and was confused about the wetland delineation on this land. He could find no normal wetland activity and even though he was there on a rainy day, the stream had very little water in it. He didn't feel there was any risk to wetlands.

Craig Howe of Talbot Builders attended the meeting on behalf of Rich Badminton, owner, who was also in attendance. They are asking for a special exception for a proposed addition that is 20 feet out from the house, 30 feet wide with a 10 foot second floor deck extension. The project has two bedrooms proposed for the lower level so they went ahead and had a septic system designed by Mosier Engineering. The current septic system is on the edge of the wetlands. Due to adding the bedrooms they want to install the new septic system that would be outside of the wetlands and stream buffer zone. A soil scientist delineated the wetlands area. The scope of the project is a two story addition. The upper level will have a kitchen, dining and living space and the deck will extend off the upper level. The lower level is walkout and will have two bedrooms and a bath. Mr. Howe provided photos that show maintained grassy areas and vegetation in the wetlands. The wetlands are not very wet and the stream is about 12 inches wide with slow water flow. The stream is seasonal and is dry during portions of the year.

Frank Anzalone asked what the easement was for. Mr. Badminton explained it is a conservation easement so the entire property is protected. His mother put it into that trust many years ago and is there in perpetuity. It is to protect it from the addition of buildings and from different uses of the woodland. He believes one of the reasons Ausbon Sargent agreed to the easement is due to the proximity to the lake.

Susan Mosely, an abutter, provided a letter of support of the project. Another abutter, Pat Coker attended the meeting and has no objections.

Stan Bright asked what steps are taken to manage storm water. As far as construction goes, they will install silt fencing. The Engineer felt there wasn't any additional need for storm water management due to the amount of lawn there. There is plenty of land and vegetation between wetlands and the house to absorb any additional roof run off. There is about 75 feet from the addition to the downhill slope where it intersects the delineated area. They are removing one tree that is diseased.

Chair Lyon asked that Mr. Howe review the criteria for special exceptions.

G1.a - refers to the position of the addition. Mr. Howe stated it was the only practical location for the addition based on the current house and where the kitchen and bedrooms would be.

The lower walkout area is good for fire and health safety issues as it provides an egress.

G1.b – The area is already mowed so they aren't disturbing anything that isn't already disturbed. It is important to note that this area, including where any machinery needs to travel to get to this area, is all within a grassy area. This will all put back to its current form if is disturbed at all. The silt fence will be outside of this area to catch any runoff.

G1.c – The use of the property will not change with this addition, it is simply to accommodate more people. It is still a single family residence. The use that is proposed is allowed as a special exception under the terms of the ordinance and the conservation easement.

G1.d – A benefit to this project is a new septic system. It is currently a functioning system so there isn't a need to do this but is a good thing to do. It will be installed.

G1.e – There is no change to the driveway entrance or traffic flow. In terms of other requirements of the zoning board it meets all of the setbacks.

Chair Lyon commented that he went through each of the criteria, and walked the property and had no concerns.

Frank Anzalone wanted clarification because they are asking for a special exception from section E3. Section E3 states that a reduction in depth is allowed. He believes the special exception should be from G3. There was lengthy discussion about this. Nicole Gage stated special exceptions options are outlined in section E but it is for the buffer area defined in section G. Both sections are relevant.

IT WAS MOVED (Ann Bedard) AND SECONDED (Bruce Hudson) to discuss. THE MOTION WAS APPROVED UNANIMOUSLY.

Chair Lyon stated that he was concerned about the easement so that is why he went to see Mr. Deegan. He wanted to make sure there was nothing in the easement to prohibit this project and there isn't. This is not a substandard lot and there is plenty of permeable area on the lot even after the addition is added. Any construction done is all going to be done on lawn area and no wetland areas are going to be disturbed. He is pleased to see the old septic system will be abandoned and the addition of a modern system will enhance the protection to the wetland areas and property in general. As he went through the criteria, he didn't see anything that raised a red flag in terms of harmony with surrounding area, impact on the neighborhood or vehicular and pedestrian traffic and it meets all the other zoning requirements. It is compatible with the spirit and intent of the ordinance. Clearly the spirit of this ordinance is to protect wetland and there isn't anything in this project that is detrimental to the wetlands and one could even argue it will enhance it.

Ann Bedard doesn't feel like we are interfering as the natural buffer zone had been disturbed many years ago. It wasn't just put in for the expansion and is a good use of the property.

Katharine Fischer agrees with Chair Lyon's comments about the replacement of the septic system. She questioned whether it should be made a condition to require it.

In a unanimous vote, 5-0, the Board voted to GRANT the Special Exceptions as presented to reduce the depth of the wetland buffer as specified in Section G of Article XIII, and to reduce the stream woodland buffer as specified in Section D of Article XXII, to allow for the construction of a 20'x30' addition with a 10'x33.5' deck, with the following conditions:

- 1. That the proposed septic system will be installed as part of the building project and that all required state permits are obtained.**

5. Other Business

Nicole Gage discussed the upcoming meeting schedule. The next regularly scheduled meeting is also voting day and this has caused a conflict in the past. There is concern that officials working the polls and the town moderator are busy on voting night and it is preferable to not have a public hearing when polls are open until 7:00pm. It was suggested to move the meeting to November 7 or November 14, 2018. Once this is finalized, Ms. Gage will notify the Zoning Board members.

For informational purposes, it was noted that Spec Bowers has filed a lawsuit against the Town of New London Zoning Board. She has the court filings if any members are interested in viewing them.

The Planning Board is in the early stages of making amendments to the zoning ordinance. They are in the process of scheduling a subcommittee meeting.

6. Motion to Adjourn

**IT WAS MOVED (Frank Anzalone) AND SECONDED (Katharine Fischer) to adjourn.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting was adjourned at 7:29 pm.

Respectfully submitted,

Trina Dawson
Recording Secretary
Town of New London