



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES

Wednesday, November 7, 2016  
The Tracy Memorial Library Meeting Room, 304 Main Street  
6:30 PM

**MEMBERS PRESENT:** Douglas W. Lyon (Chair), Vahan Sarkisian, Frank Anzalone (Alt.), Jerry Coogan (Alt.), and Paul Vance (Alt.)

**MEMBERS ABSENT:** W. Michael Todd, Cheryl Devoe, Ann Bedard and Katharine Fischer (Alt.).

**STAFF PRESENT:** Lucy St. John, Planning and Zoning Administrator

**OTHERS PRESENT:** Charlie Hirshberg (CLD Engineering), Brian Vincent (CLD Engineering), Peter Schiess (Landforms Ltd.), Deborah Zeller (owner/applicant), John Sheehan, Jeremy Johnston

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

**Roll Call:** Chair Lyon called the roll.

**Approval of Minutes**

**IT WAS MOVED (Paul Vance) AND SECONDED (Vahan Sarkisian) to approve the minutes of October 6, 2016, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Variance Application**

- **Zeller, Robert and Deborah Trust Variance application.** Located 686 Lakeshore Drive. Tax Map 051-014-000. Zoned Residential (R-2) and Shoreland Overlay District. Variances to Article XVI, Shoreland Overlay District, Section C and F; and Article XX, Nonconforming, Section B. Variances requested for disturbance in the waterfront buffer, expansion of a nonconforming structure and height of structure in the waterfront buffer to exceed 25 feet.

Charlie Hirshberg presented the application. Referring to the plans submitted he reviewed the existing conditions and proposed improvements. He noted that the house foundation is in very poor condition; currently no well and they draw water from the lake. Septic (cesspool) to be removed and new improved septic to be moved away from the lake; showed areas of unaltered; noted there is a substantial distance from the water to the shoreline with lots of vegetation in between and a very gradual beach area; proposed house to be within the footprint except the porch area which will extend closer to the water but noted due to the shape of the existing house and proposed house there will be less overall impact on the 50 foot waterfront buffer; porch to be only one story; house to have stone drip edge and no basement. He discussed the wetlands on the property and drainage, and how this affected the decision to locate the house, the driveway, and the other proposed building on the site, noting they tried to minimize any further disturbances to the site, as they are concerned about protecting the lake. They will be submitting a Shoreland application to NHDES. Existing impervious is 10% and proposed is 13%.

Brian Vincent presented the variance criteria, read from the zoning ordinance the variances needed, and explained other construction details of the project.

Deborah Zeller said moving the house back would be more of a disturbance to the natural area, as the site drains (culvert/wetlands) into the lake. Ms. Zeller said their family has been on the lake since the 1920s, five generations. The property was bought to protect the lake. Their intentions are to create a healthy functioning system by moving the driveway and vehicles away and out of view from the lake, and to nurture the property and a vision for the property. She spoke about the previous owners using the lot as a private campground for friends and family.

Peter Schiess said the Zellers are trying to keep the view and open space; two smaller structures would be more aesthetic than one larger. He noted they are staying within the existing area of the house and over all there will be less disturbance within the 50' than what is currently there.

#### Board Questions/Concerns/Comments

- ✓ Well location and dry well locations
- ✓ Porch, depth and will it be screened.
- ✓ Details of the outbuilding (boat storage, not a boathouse).
- ✓ Is the retaining wall going to be altered
- ✓ Having the old septic removed out of the waterfront is a plus.
- ✓ Storm water management
- ✓ What are the current setbacks from the lake compared to proposed
- ✓ What is the total footprint
- ✓ Can this be built without a variance?
- ✓ Is there anything physical on the site preventing the house being moved back four feet?
- ✓ What is the current unaltered area and what is the proposed within the woodland buffer
- ✓ Height of the new house and the attached screen porch proposed

Chair Lyon opened the Public Hearing.

John Sheehan said he is a resident of New London but not an abutter. He is concerned about the lake and the Zoning Ordinance provisions to protect the lake. Moving the house four (4) feet closer and ten (10) feet higher is a concern. He is concerned this will set a precedent, and he doesn't think this is justified.

Jeremy Johnston, noted he is a student at Colby-Sawyer College (CSC), a biology student. He asked if any heavy equipment would be used in the waterfront buffer and if there would be any disturbance to vernal pools, and if any vernal pools.

Chair Lyon commented that he had gone to the site and noticed, unlike other properties in the area, there is a substantial distance between the buildings and water, and there is a substantial vegetated area. He agreed that moving the house back would create a larger impact. He further explained that each application is considered on its own merits, and a precedent is not being set. He explained the positive impacts and improvements of this application vs the minimal negative impacts. The overall impact on the lake is taken seriously. He noted that all the variance criteria are considered, not just one.

Public Hearing closed.

#### Motion

**IT WAS MOVED (Paul Vance) AND SECONDED (Frank Anzalone) to discuss. THE MOTION WAS APPROVED UNANIMOUSLY.**

The Board discussed and reviewed the responses of each of five variance criteria as noted in the application. The Chair noted that in discussing any nonconforming structure, especially lakefront property, careful consideration is given to how the applicant will minimize impacts to the waterfront buffer, reduce and minimize impact to water quality, how storm water is addressed, and that care has been demonstrated as to how they will address the site during construction. The petitioners have made every effort to reflect in their proposal. He noted that the public interest is served and the quality of the lake has

been taken into consideration, as well as the spirit of the ordinance. It was noted they are just trying to build a modest house, not a mansion, this is a least impacting approach. Other site improvements include moving the current septic out of the waterfront buffer. Substantial justice is done by removing the ancient buildings, the inadequate septic system and the substantial amount of impervious area being made better. The property values will not be negatively affected but rather are in keeping with the buildings on the lake. There are elements to this property, including the presence of wetlands and a larger barrier because of the vegetated beach area, which make this unique and suggests that the applicant's placement of buildings are appropriate and is in keeping with the variance. Discussed the height of the proposed house, noting other houses in the area are of similar height, the board agreed with the height variance. They concurred that all five (5) variance criteria have been met for all the variances requested.

**Motion**

**IT WAS MOVED (Chair Lyon) AND SECONDED (Vahan Sarkisian) to grant the variance with following conditions:**

- **All state required permits be received.**
- **The front porch will be set on a minimal amount of concrete pier footings.**
- **Increase in the height of the proposed house allowed.**

**THE MOTION WAS APPROVED UNANIMOUSLY.**

**Motion to Adjourn**

**IT WAS MOVED (Jerry Coogan) AND SECONDED (Frank Anzalone) to adjourn the meeting. THE MOTION WAS APPROVED UNANIMOUSLY.**

Meeting adjourned at 7:58pm.

Respectfully submitted,

Dianne Richtmyer, Recording Secretary  
Town of New London