



TOWN OF NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT MINUTES (ZBA)

Thursday, November 16, 2017
Town Office – Sydney Crook Conference Room
375 Main Street
6:30 PM

MEMBERS PRESENT: Douglas W. Lyon (Chair), W. Michael Todd, Katharine Fischer, Paul Vance, Ann Bedard, Gerald Coogan (Alt.), Frank Anzalone (Alt.), and Vahan Sarkisian

STAFF PRESENT: Kim Hallquist, Town Administrator

OTHERS PRESENT: Attorney Susan Hankin-Birke, Dag Lidbeck, Jim Deangelis, Sanford Tyler, Marina Brock, Steve Landrigan,

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

Minutes

IT WAS MOVED (Paul Vance) AND SECONDED (Katherine Fischer) to approve the minutes from the August 3, 2017 and September 12, 2017 meetings. THE MOTION WAS APPROVED UNANIMOUSLY.

- **Dag Lidbeck and Sanford Tyler – Variance Application.** Located at 18 Sutton Road. Tax Map 122-002-000. Zoned Agricultural Rural Residential (ARR). Variance requested to permit a Commercial use of a portion of the existing main house for six (6) office spaces in addition to two (2) living units. Variance requested to Article VI, 1 and 2 to allow for a Commercial Use in a Residential zone.

Attorney Susan Hankin-Birke attended to represent Dag Lidbeck and Sanford Tyler who are the current owners of the property which is located at 18 Sutton Road. The previous owner was going to reconfigure the sizeable house to equalize the number of bedrooms in each of the two existing units. Unfortunately, her purchaser was not willing to wait through the appeal process, so she didn't make changes. The property, Crocketts Corner, predated the existence of zoning in New London. It was residential and commercial as well. It had various uses and in 2007 the property was sold, and the commercial use of the property ceased, and it has just been used residentially. The property is in the ARR zone. There is The Flying Goose Pub across on 114 and a few large solar fields and otherwise it is residential. The property is served by 114 and it can also be accessed from Mill House Lane.

The proposal is to utilize and maintain a fiscally reasonable property. Two residential units would remain but there would be some commercial use as well. Mr. Lidbeck operates Gracehill Construction and Timeless Kitchen. He's anticipating a total of four offices; two on the first floor

that he will utilize along with the residential use of one of the dwelling units and four offices upstairs that would be single offices. The way the house is located, there would be plenty of parking and not visible to the abutters or the main road. The intention would be to rent the offices upstairs.

The criteria to justify why the board should grant the variance:

- Not be contrary to public interest - There are two methods for ascertaining whether the variance would violate the zoning objectives. Would granting the variance alter the essential character of the neighborhood? The character of the neighborhood already is mixed use. The Flying Goose is across the street which is a restaurant, pub and a venue for entertainment. The neighborhood has developed despite both the Crockett Corner property and the Flying Goose being in existence. Also, would granting the variance threaten public health, safety or welfare? Again, the answer is clear that there is plenty of safe ingress and egress from the property so no traffic concerns. There is no threat to safety to the public. It won't have a different effect on the neighborhood. The two residential units have been operating and have had construction and development offices there. The changes are only on the interior of the building and the historic exterior will remain. It is one of the first historic properties that you see coming into new London from the interstate.
- The spirit of the ordinance is observed - The statute RSA 674:17.II notes that a zoning ordinance must be made with reasonable consideration for the character of the area involved and its peculiar suitability for particular uses, as well as with a view to conserving the value of building and encouraging the most appropriate use of the land throughout the municipality. The ARR zoning in that general area fits for everything, except the two existing buildings opposite each other. Since they've existed throughout the course of development of that area, it seems to meet the essential character of the neighborhood. Due to the size of the lot at 2.45 acres, there are not a lot of other uses for the property. The site is well developed, and parking considerations could be easily met. The types of offices and businesses would not be changing the character of the neighborhood and Mr. Lidbeck's construction businesses do not have large construction equipment. He does smaller, residential building.
- Substantial Justice is Done - There have been economic challenges faced by the owners, trying to maintain this very large house. The historic property in an agriculture rural area, and its use as a commercial/mixed use parcel, predates zoning and the development around it has not been hindered. Zoning boards should look at whether there would be any appreciable gain for the public given the loss to the individuals by not granting the variance. It has been a struggle to make this parcel economically viable. There were abutters not enthusiastic about using the property for residential purposes only. You can have 5 unrelated people in a dwelling unit and there are two units. The concern was that there would be housing for college students and the abutters had concerns about that. There is a need to create an economic viability for this structure. Being able to use it for mixed commercial use would help make the parcel usable and remain in the condition it is in.
- Value of surrounding properties is not diminished by proposed use - The property for decades was used as residential as well as commercial. This wasn't a hindrance to the surrounding residential properties. The exterior of the building is not going to be changed and will still have the aesthetic charm it has always has.

- Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship - The special conditions of the property are its large size. The proposed use is a reasonable one as its use is in keeping with prior commercial use of the property and home businesses are allowed in the ARR zone. It's a value to the town as well as the owner that the property be economically viable. It will take reasonable income to keep it up and in the condition that it is. It is their belief that the property meets the criteria to allow for a zoning variance to allow for mixed use. It will be up to this board to grant the variance, then the planning board will work out the parking details.

Chair Lyon specified that it is the power of the board to place conditions on a variance if it is granted, to prevent creeping commercialism. Without restrictions, the parking of construction vehicles, large trucks, and excavators could change the way it looks. He would recommend placing restrictions, so the nature of the property does not change.

Mr. Todd clarified that it is possible that there could be 7 different businesses operating out of the building if all the space was rented. Ms. Hankin-Birke stated that's not the intent. There are 6 offices, 2 on the first floor and four on the second floor. These would potentially be rented to attorneys, lawyers or accountant type professionals.

Mr. Anzalone wanted to address parking issues and also address storing equipment that will be used for anything other than residential purposes. It needs to be clarified as to what he can do with this property. Ms. Hankin-Birke stated there is a barn and a garage that will be used for parking vehicles used for the business and storing materials and cabinets etc. It will need to be worded to include those structures as well.

Mr. Lidbeck stated his intent is to rent the six offices spaces to different professional businesses. These would be single professional businesses that need a space away from their home, not large-scale businesses.

Chair Lyon feels the presentation needs to be clarified. Initially it was stated that the landowner would use two offices and rent four. Now the landowner is saying he wants permission to rent all six. The question is, what is the specific proposal that should be addressed? Ms. Hankin-Birke replied that she mentioned the home business idea, not because they are proposing a home business but, so the board can utilize the criteria. They are seeking the ability to rent or use six offices within the space and to be able to utilize the existing out buildings for storage of equipment or products associated with the commercial/business uses.

Steve Landrigan is an abutter, has lived there since 1982, and provided history of the property. He wanted to clarify if the parking was going to be on the Route 114 side of the house, so any commercial use would go that way, rather than down King Hill Road. Mr. Lidbeck stated this was correct.

Jim Deangelis is an abutter that lives directly behind the applicant. He supports the request and he believes that the owner will abide by the conditions set by the board. The property needs attention and it needs to be economically viable. It will be a benefit to the town if it's maintained and run the way the applicant intends to. He would like a better definition provided as to what the professional office space will be and also, can any changes be made to be able to move forward or do they have to be redrafted? He has seen a lot of changes with the property and a lot of money invested.

Chair Lyon feels that this proposal offers a significant advantage over what has occurred there in the past. Hearing the neighbor support makes him believe more strongly that it is a reasonable way to go forward. The concern expressed is creeping commercialism and he thinks we need to be careful about how the variance is worded. He suggests that this be taken under advisement. He doesn't want to create problems for the landowner. Mr. Sarkisian disagrees and thinks a decision can be made with the information provided.

Ms. Hankin-Birke summarized that the commercial uses of the property could be defined as office spaces, including, but not limited to offices for a construction company and a kitchen planning business. The planning board could ensure that the parking spaces for the commercial uses and the garage and barn structure that currently exist on the property could be used in conjunction with those businesses. If it is limited by defining office space, anybody that wants to change its use will have to come back to the Zoning Board for a variance. If anyone tries to take an office and change it to something else, it would need a change of use decision. Mr. Anzalone feels it could be specifically stated that there are six professional office spaces as indicated in the plan and the garages would be accessory uses to the office.

Mr. Vance asked about signage. Ms. Hankin-Birke stated that the planning board would regulate that. She feels they should be entitled to have a sign consistent with the regulations of the town.

Chair Lyon stated we would approve what was presented tonight, subject to site plan review by the Planning Board. It would be a variance for the commercial use as presented tonight with 2 residential units, 6 professional office spaces, with the accessory buildings and appropriate parking as defined by the planning board. Signage will be under the purview of the planning board for placement.

IT WAS MOVED (Doug Lyon) AND SECONDED (Michael Todd) to close the public hearing. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (Doug Lyon) AND SECONDED (Vahan Sarkisian) to approve the variance for the specific plan presented to Zoning Board of Adjustment on 11/16/17 for two residences, 6 professional offices with accessory buildings and appropriate parking subject to the Planning Board site plan review. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting was adjourned at 8:19pm.

Respectfully submitted,

Trina Dawson
Recording Secretary
Town of New London