



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES

Monday, June 27, 2016  
The Tracy Memorial Library Meeting Room, 304 Main Street  
6:30 PM

**MEMBERS PRESENT:** Douglas W. Lyon (Chair), W. Michael Todd, Cheryl Devoe, Frank Anzalone, Katharine Fischer (Alt), and Paul Vance (Alt)

**MEMBERS ABSENT:** Jerry Coogan, Vahan Sarkisian and Ann Bedard

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

**OTHERS PRESENT:** Paul & Linda Messer (applicants), Doug Sweet (Surveyor-Bristol, Sweet & Assoc.), Tony Bork, Regina Stevens (abutter) and her attorney Michael Malaguti (Ransmeier & Spellman), Will Davis (Horizon Engineering), Michael Morgan & Laurie Schive (applicants), Jeremy Bonin and Greg Rusnica (Bonin Architects), Bob Vachon (Colby- Sawyer College), Jack Sheehan, Sharon & John Sheehan and David & Karen Demers.

**Call to Order:** Chair Lyon called the meeting to order at 6:31 pm.

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

**Approval of Minutes**

**IT WAS MOVED (Frank Anzalone) AND SECONDED (Chair Lyon) to approve the minutes of June 2, 2016, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Variance Applications**

- **Messer, Paul and Linda Irrevocable Trust. Property located at 600 Bunker Road. Tax Map 076-031-000. Property zoned Residential (R-2), and Shoreland Overlay District. Variances requested to Article V, Residential District, C. Yard Requirements, C (1 & 2). Plan prepared by Robert Stewart, Jr., of RCS Designs.**

Chair Lyon explained that this was a continuance from the June 2<sup>nd</sup> meeting. He noted that the voting members for the application this evening would be himself (Chair Douglas Lyon), W. Michael Todd, Frank Anzalone and Paul Vance. Noting this is only four members, not five members.

Linda Messer, the applicant noted that Bob Stewart (agent) was unable to attend due to a sudden illness and that surveyor Doug Sweet was in attendance. She then requested a continuance because the voting members who were present at the last hearing are not present and there are only four voting members.

**Motion**

**IT WAS MOVED (W. Michael Todd) AND SECONDED (Chair Lyon) to discuss. THE MOTION WAS APPROVED UNANIMOUSLY.**

The Board then briefly discussed the plan and various dimensions shown on the plan. Doug Sweet representing the applicant for Bob Steward proceeded to explain that the measurements are not taken from the pin that is located in the right of way of the road, noting instead it's measured from where the property line crosses the right of way of the road. He explained, that if the variance is approved, they would be submitting a Lot line Adjustment Plan to the Planning Board. The Board discussed if indeed what is proposed is less nonconforming and if they even need a variance, as they are not reducing the front setback. Chair Lyon entertained a comment from Tony Bork who asked whether or not the proposed free standing step and the new entry is making it less non-conforming.

**Motion for a continuance.**

**IT WAS MOVED (Chair Lyon) and (Michael Todd) to continue the meeting and public hearing to Thursday, July 14, 2016 at 6:30 pm at a location to be determined (Whipple Hall or Tracy Library which will be posted). THE MOTION WAS APPROVED UNANIMOUSLY.**

- **Colby- Sawyer College (CSC). Property located at 541 Main Street. Tax Map 085-033-000. Property zoned Institutional District. Variance requested to Article II, General Provisions, Section #10- Sign Regulations, (d) Signs Not Requiring A Permit # 3- for a temporary building contractor construction sign no larger than four (4) square feet. Applicant proposes a temporary 4 ft. x 8 ft. sign, 32 square feet advertising the building contractor for the Fine & Performing Arts Center.**

Chair Lyon noted that the voting members for the CSC application would be himself, W. Michael Todd, Cheryl Devoe, Katharine Fischer and Paul Vance (Alt). Frank Anzalone recused himself.

Will Davis of Horizon Engineering then proceeded to discuss the application for a temporary sign for Colby-Sawyer College. Mr. Davis gave a summary of each of the five variance criteria, as noted in the application that was submitted.

1. The purpose of the temporary sign is to inform the public, current and perspective students of the construction of the Fine & Performing Arts Center and the location of the sign will not create any safety hazards which will not be contrary the public interest.
2. This will not impact the health, safety and general welfare, therefore the spirit of the ordinance is observed.
3. Substantial justice will be done by letting everyone know what the project is all about and generates interest on the campus.
4. Property values are not typically affected by temporary signs, therefore the property values are not diminished.
5. Unnecessary hardship would result. Colby-Sawyer College is a unique property, the only major college/institution that is a vital part of the community in New London. Because of its uniqueness, a strict interpretation of this regulation is not necessarily justified. It's important for the College to inform perspective students, to improve enrollment and to continue to keep the college vibrant.

Mr. Davis said he doesn't feel that approval of this variance will be setting a precedent for other properties because there are not any other colleges or universities in New London. He then presented images of the proposed signage and where the signage would be located on the site.

**Board comments and questions:**

- ✓ Alternative location for the sign discussed. Instead of on Main Street suggest having the sign visible to the internal campus, perhaps in front of the Admissions Office or on the construction

fencing surrounding the construction site. This way visitors to campus would see the sign and not residents and others traveling along Main Street wouldn't.

- ✓ Attractive community- smaller signs. Concern about setting a precedent of approving a sign that is substantially larger than the voters have approved.
- ✓ Construction materials
- ✓ Duration- what is meant by temporary, what is the proposed timeframe. Have a temporary sign out for a period of one (1) year, is really not a temporary sign.
- ✓ Institutional Zoning district is unique in size and purpose.
- ✓ Lighting of the sign, will be unlighted
- ✓ Size and why they need a larger sign. The proposed sign 4'x8' is larger than other signs allowed per the Zoning Ordinance. Need to consider the uniqueness of the campus environment. Mr. Anzalone noted when the construction of the Academy Building was being done, contractors couldn't find the construction site and therefore a larger sign was granted for use. This, too, might apply for Colby. The building is set much further back and is a large property; a larger sign would help.
- ✓ Spirit of the ordinance. How is this preserved if a larger sign is permitted there may be a proliferation of other sign requests.
- ✓ St. Andrews Church requested a sign variance which was denied. Mr. Todd noted that for the St. Andrews Church ZBA case they wanted a sign that could be read from Main Street because they claimed that people couldn't find the church.
- ✓ Town Academy Building construction sign was larger than permitted. It was noted that this was a Town project and public funds were being spent.
- ✓ Trees and vegetation which might be cut down for the placement and viewing of the sign.
- ✓ Use (the College) is long established and historic buildings distinguish it from other uses in Town. Suggest a smaller sign wouldn't accomplish their goals. Also that the College is unique is that the buildings are setback.
- ✓ What are the physical characteristics which distinguish this lot from the surrounding properties such that the application of the sign ordinance is not reasonable to them?
- ✓ Why doesn't a sign that which conforms to the ordinance, satisfy what they want to accomplish?

Will Davis's response to the comments and questions:

- ✓ Purpose of the sign to inform the public and prospective students of the new Arts Center, as this is a plus to the College and community, and is a way to advertise to those driving by Main Street. The College will also advertise the new Arts Center on their website. Larger size would make it more visible, a smaller sign would be hard to see from Main Street.
- ✓ No trees or vegetation to be removed.
- ✓ Sign will not be lighted.
- ✓ College campus environment is unique in term of size and use.
- ✓ Want to keep the public away from the construction site, so would like to have the sign located in a more prominent visible location on Main Street, or would consider another location on the campus if a sign on Main Street is not permitted.

Chair Lyon opened the Public Hearing

- ✓ Chair noted the letter from abutters Rob and Linda Teach, 618 Main Street stating they vehemently oppose the granting of the variance. The letter was read into the record.
- ✓ John Sheehan (resident, but not an abutter) commented that he did not think that anyone would object if they had the sign on the building site and visible only when on campus. Mr. Sheehan

suggested that the College continue this discussion to the July 14<sup>th</sup> ZBA meeting. Bob Vachon commented that the College does not want to continue the discussion to the July 14<sup>th</sup> meeting, they do not intend to come back before the Board on this issue.

**Chair made a motion to discuss**

**MOTION WAS MADE (Michael Todd) AND SECONDED (Cheryl Devoe) to discuss. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Board Discussion**

- ✓ Duration of a temporary sign. Is it really temporary if it is there for a year? How might this affect abutting property values and someone's ability to sell their house?
- ✓ Hardship, has it been addressed, and is the district different. Institutional zone is different from other zoning districts.
- ✓ Location and visibility of the sign and willing to relocate the sign is important. If the sign is not visible to the abutters, it is far less objectionable, and in the best interest of the public.
- ✓ Modifying the size of the sign should be considered. Consider the size allowed for permanent signs.
- ✓ No real hardship to put the sign on the construction fence and potential safety issues if the sign is placed on the fence.

**Motion**

**MOTION WAS MADE (Chair Lyon) AND SECONDED (Ann Bedard) to approve the variance for a temporary sign not to exceed fifteen (15) sq. ft. (same size that is allowed for a permanent sign) to be attached to the construction fence, internal to the campus and the sign shall not be visible to any abutters. THE MOTION WAS APPROVED UNANIMOUSLY.**

- **Michael Morgan & Laurie Schive (previous owners Peter & Susan Moore (2012). Property located at 721 Little Sunapee Road. Tax Map 033-015-000. Property zoned R-2 Residential. Variances requested to Article XVI, Shoreland Overlay District, and Section C. Permitted Uses (C. 2) for the construction of 309 square feet of impervious surface and a pervious patio in the 50' Waterfront Buffer and Section F. Waterfront Buffer for disturbance to the waterfront buffer.**

Chair Lyon stated the voting members would be himself, W. Michael Todd, Cheryl Devoe, Katharine Fischer and Paul Vance (Alt). Mr. Anzalone recused himself.

Jeremy Bonin, Bonin Architects, introduced himself and Greg Rusnica, Landscape Architect of Bonin Associates and Will Davis, of Horizons Engineering. Jeremy Bonin presented the facts supporting each of the five variance criteria, referring to the details included in the application. He provided some additional details of the property particularly stating it is truly a unique lot, a peninsula, steep slopes leading down to the lake, and only about seventeen percent of the lot is actually buildable area. He discussed additional details as shown on the approved NHDES Shoreland Permit including stormwater details, reduction of impervious area, and changes to the driveway. A tree cutting application has been submitted for two trees near the patio area and that none of the existing vegetative slope buffer would not be impacted. The site presents some unique design challenges due to the shape and location. They will be making an existing nonconforming structure less nonconforming, and reducing the amount of impervious area in the 50' waterfront buffer.

Greg Rusnica, a landscape architect for Bonin Architect, then proceeded to discuss other details of the landscape.

- ✓ The driveway will be positioned further away from the lake.
- ✓ Updating wood staircase leading to the lake will include a couple of landings making it safer to walk and access the lake.
- ✓ The masonry structure for a grill & fireplace is why a variance is needed.
- ✓ Review of the storm water management being implemented and the temporary erosion plans.

#### Board Comments and Questions

- ✓ Location of the two trees proposed to be cut.
- ✓ Patio improvements/retaining wall.
- ✓ If house to be more or less more non-conforming.
- ✓ If there were any other choices than building in the 50' buffer.

Laurie Schive, the owner, explained to the Board that the changes to the driveway layout, house design and site layout were to minimize the head light and traffic noise from the road. She noted the property is located at a unique place on Little Sunapee Road, and they also intend to install plants and other vegetation.

#### Chair Lyon opened the Public Hearing

- ✓ Chair noted that comments were received from Gary Anderson and Cornelia Boyle (abutters) dated June 25, 2016. In their letter they state, "We give strong support for this project, and request that the ZBA give them their variance."
- ✓ Jack Sheehan (not an abutter) asked if the application requires a state permit for setbacks and what is the status. He also asked about the impervious surface of the patio, whether it was pervious or impervious. Ms. St. John explained that they received their NHDES Shoreland permit approval. She noted that the State application was previously included on the Planning Board agenda attachment list, and provided to the Conservation Commission, noting neither had comments, and as typical this information is posted on the Town's website for all to review.

#### Chair Lyon asked for a motion to discuss

**MOTION WAS MADE (Michael Todd) AND SECONDED (Cheryl Devoe) to discuss. THE MOTION WAS APPROVED UNANIMOUSLY.**

#### Board Discussion

The Board stated that each of the five criteria were addressed. The lot is unique, and there is a hardship. 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 stormwater is addressed, and the fact that the natural shoreland buffer is not being impacted and care has been demonstrated to how they will address the site during construction. It was noted that the character of the New London lakefront properties is changing, as many homes have been torn down and replaced with new construction. The Board expressed the need to look at how these changes are affecting the Town, including how historic elements of structures need to be preserved and or documented. It was noted that in the pass lakeside summer cottages were often visited for extended periods of time, maybe two months or two weeks. Vacationers visited local shops and contributed to the local economy. Concern that many of the lakefront properties are now becoming short term, 2<sup>nd</sup> home

market houses, and how this has and continues to influence and change the dynamics of the local and area economy and sense of place.

### **Motion**

**MOTION WAS MADE (Michael Todd) AND SECONDED (Cheryl Devoe) to approve the variance. THE MOTION WAS APPROVED UNANIMOUSLY.**

### **Other Business**

Ms. St. Lucy noted that the Planning Board will be conducting a Work Session June 28th. The purpose of the Work Session is to discuss ideas for potential zoning amendments. The ZBA was asked to provide comments and or suggestion to the Planning Board for consideration. It was noted that the Messer Pond Protective Association (MPPA) would be presenting this recent study and ideas to the Planning Board at the meeting on June 28<sup>th</sup>.

The ZBA noted that the CIP process should consider including sidewalks in the downtown area to address downtown vitality, public health issues and safety concerns.

They discussed potential zoning amendment ideas for consideration including:

- Accessory Dwelling Units
- Definition of family and reorganizing the definitions
- Demolition Delay Ordinance, per the establishment of a Historical District Commission (or Heritage Commission). This would help to preserve the historic elements of the Town, and afford other interested parties input prior to historic building being demolished.
- Lot line clarity.
- Natural Resources include on one map and clarify discrepancies in the paper and GIS maps, and reference the GIS maps in the Zoning Ordinance.
- Non-conforming provisions
- Reordering of the special exception and definitions.
- Signs

A brief history of the recent ideas for a demolition delay ordinance were discussed, noting the building in Elkin's that was demolished. Discussed a Town Committee to look into this idea, how some people feels any historic preservation provisions are an infringement on their property rights, if a historic building is moved it is no longer eligible for historic designation, and that buildings of the New London Historical Society can't be included on the National Register of Historic Buildings because they were moved.

### **Motion to Adjourn**

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

Meeting adjourned at 9:10pm.

Respectfully submitted,

Dianne Richtmyer, Recording Secretary  
Town of New London