



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Thursday, July 14, 2016
The Tracy Memorial Library Meeting Room, 304 Main Street
6:30 PM

MEMBERS PRESENT: Douglas W. Lyon (Chair), W. Michael Todd, Ann Bedard and Katharine Fischer (Alt)

MEMBERS ABSENT: Vahan Sarkisian, Cheryl Devoe, Frank Anzalone, Jerry Coogan (Alt) and Paul Vance (Alt).

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

OTHERS PRESENT: Paul & Linda Messer (applicants), Regina Stevens (abutter) and her attorney Michael Malaguti (Ransmeier & Spellman), Paul & Linda Messer (applicants), Bob Stewart (RCS Designs), Mike Sailor (contractor), Steve Bailey of 35 Woody Point Road and several others (no names were included on the sign-in sheet).

Call to Order: Chair Lyon called the meeting to order at 6:32 pm.

Roll Call: Chair Lyon called the roll. He apologized to the applicants noting the Board this evening would only include four (4) not five (5) members due to an emergency. He explained that the Ms. St. John had left a phone message shortly before the meeting (knowing the Board would only include 4 not 5 members).

- **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.**

Bob Stewart from RCS Designs was there to represent the Messers. He said that they would like to continue the hearing until the next possible date to get a five member board. Ms. St. John provided the available dates for the conference room. It was determined that the hearing would be continued to Monday, July 25 at 6:30 pm at the Tracy Memorial Library. Tuesday, July 26th is the back-up date should they be unable to secure at least five members for the 25th.

- **Approval of Minutes**

The minutes from the June 27th meeting were not available for review.

- **RSA 674:33 Powers of the Zoning Board of Adjustment regarding validity of Special Exceptions and Variances if exercised within 2 years from the date of approval.** A building permit was recently submitted for Stephen & Cynthia Bailey (Bailiwick Nominee Trust). Property located at 35 Woody Point Road. Tax Map 043-012-000. Several variances were granted March 12, 2014.

Chair Lyon said he spoke with Town Legal Counsel and found that there were no issues with this unless there had been changes made in the Zoning Ordinance.

Steve Bailey, and his contractor, Mike Sailer explained they recently submitted a building permit, and staff informed them of the provisions of the RSA. He explained that they didn't file a building permit back in 2014 due to financing, and thusly want to move forward with their project at this time. The contractor is lined-up to begin in early August pending approval of the building permit. They plan to excavate under the house to put in a 4' crawlspace. They will also put on a small addition and a two car garage. Mr. Bailey explained the changes to be made to the property by using the plan that was submitted in 2014. He noted the septic tank would be removed and a new one put in. The house currently is winterized but they are making the renovations to make it more suitable for year round living. They are making the building less non-conforming by moving the garage further from the property line.

The Board reviewed the 2014 Notice of Decision, the variance application and the approved NHDES Shoreland plans, to refresh their understanding of the details of the site and the variances that were granted.

Mr. Todd said they need to be sure there have been no changes to the ordinance that would cause this variance to not be able to continue. Ms. St. John reiterated the 2016 Zoning Amendments, and that some of the changes to the Ordinance, were more organizational, for example moving the nonconforming provisions of the Shoreland Overlay District to Article XX, Nonconforming provisions. Chair Lyon recalls what it came down to with the Board in 2014 was the temporary disturbance of the waterfront. They were assured that the waterfront would be put back in its original condition.

IT WAS MOVED (Michael Todd) AND SECONDED (Katharine Fischer) TO DISCUSS. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (Doug Lyon) AND SECONDED (Ann Bedard) to approve the extension of the variance for one year from this date recognizing there was good cause, (financing had fallen through), and there were no changes in the ordinance since the condition was granted in 2014. THE MOTION WAS APPROVED UNANIMOUSLY.

Other Discussions

Notice of Decisions

Ms. St. John suggested that all future Notices of Decision (NOD) reference the RSA and the two-year provision regarding variances and special exceptions. The Board agreed.

Discussion on establishing a set meeting schedule

Chair Lyon explained that due to the time and effort for staff to coordinate the scheduling of meetings and the recent meetings of not having a full board he suggest the Board consider setting a meeting schedule. Staff will include the discussion of establishing a set meeting schedule as an agenda item for discussion at an upcoming September meeting.

Discussion on definitions related to setbacks

The Board then discussed various scenarios on how to measure distances (setbacks) from property lines noting there are irregular lots, unique situations, (not all property lines are straight), and how the language in the Zoning Ordinance is quite confusing.

Motion to Adjourn

- **IT WAS MOVED (Michael Todd) AND SECONDED (Katharine Fischer) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 7:30pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London