



TOWN OF NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT MEETING MINUTES

Tuesday, September 12, 2017
Whipple Memorial Town Hall
375 Main Street
6:30 PM

Public Meeting All Are Welcome to Attend

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

MEMBERS NOT PRESENT: W. Michael Todd (Vice-Chair), Vahan Sarkisian, Frank Anzalone (Alt.) and Paul Vance (Alt.)

STAFF PRESENT: Kimberly Hallquist, Town Administrator

OTHERS PRESENT: Brenda Beckman, 217 Tracy Road

Judith Morrissey, 145 Tracy Road

Dan Grace, 1047 King Hill Road

David Eckman of Eckman Engineering, LLC, 1950 Lafayette Road, Portsmouth, NH

Call to Order: Chair Lyon called the meeting to order at 6:30 PM

Roll Call: Chair Lyon called the roll. Katherine Fischer, Anne Bedard and Jerry Coogan.

The applicant Peter Messer was not present. He was not able to attend because of family illness but conveyed to the board by way of Dan Grace, that he was comfortable having Mr. Grace make the presentation and in reality Mr. Grace prepared all the documentation and Mr. Messer had signed the application. The board was amenable to this arrangement and additionally Chair Lyon requested a letter from Mr. Messer stating Mr. Grace can present on his behalf.

Messer, Peter Variance Application. Located at 125 Tracy Road. Tax Map 117-010-000. Zoned Agricultural Rural Residential (ARR). Variance requested to subdivide the roughly 27-acre parcel into 2 building lots, utilizing a shared driveway, with approximately 200' of road frontage on Tracy Road. Variance requested to Article VI, B 1, to allow for less than the required road frontage.

It is Mr. Messer's desire to sell the property located at 125 Tracy Road for income purposes but the price for the entire building lot would be prohibitive. Mr. Messer would like to split the lot into two parcels but the required frontage of 200 feet/per lot for a driveway is not available. Thus he is hoping to get a variance on the 200 feet requirement so that a driveway could be shared. Mr. Grace stated his children already attend the school system so that would not add tax burden to the town and will bring more tax revenue to the town with the additional housing. He expects to build very nice homes on what will be lots of 13.5 acre in an area of 4 acre lot zoning.

Chair Lyon asked Mr. Grace for facts supporting the request:

1. Q: The variance will not be contrary to the public interest.

- A: This application is not contrary to the public interest. This variance is requested in order for 2 young families to build their primary dwellings on a 27.6 acre parcel as a 2 lot subdivision. New London is trying to encourage young families to make New London their home while adding vibrancy to the community.
2. Q: The spirit of the ordinance is observed:
A: The spirit of the ordinance is observed because a lot in this particular ARR is one family per 4 acres. The results of the granting of this variance will result in a density of one family per 13.5 acres, assuming the 2 lot sub-division is granted by the Planning Board. A pre-consultation with the New London Planning Board has been completed and the official meeting minutes can be accessed.
3. Q: Substantial justice is done:
A: Yes. For both the applicant, the Town of New London and its current and future residents.
4. Q: The values of surrounding properties are not diminished; and:
A: The abutters have been contacted and there seems to be unanimous support for 2 building lots on the 27.6 acre parcel. The neighborhood consists of much smaller lots while this lot will support only 2 houses that meet or exceed the characteristics of the neighborhood.
5. Q: Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
A: A large tract of land that presents itself extremely well for a primary dwelling would be denied to the applicant if this variance were not granted.

Chair Lyon remarked that the lot size being proposed is actually a lot more that what is currently being required by the town.

Mr. Grace replied yes and this large track of land would actually support 5 building lots if a cul-de-sac road were to be installed. This is not the intent of Mr. Messer and all parties have agreed that no new houses will be added. This parcel is not characteristic of the other lots but it does not have enough frontage. Mr. Grace did not think this action would be setting a precedent since at one time there were 4 large buildings on the property as well as two houses.

Chair Lyon asked for questions from the board.

Katherine Fischer asked about the plan with more lots and Mr. Grace said the surveyor identified extra lots that would be supported by installing another roadway and cul-de-sac. This might be an alternative if a variance on the driveway could not be obtained.

Ann Bedard asked if there was good line of sight when one pulled out of the driveway and suggested the applicants properly measure and have a good plan in place before going to the Planning and Zoning Board.

Chair Lyon opened the meeting for public discussion.

One abutter (Taffy?) is concerned about common driveway issue and if this would set a precedent but that she would much rather have only two houses than the allowable number of five houses.

Chair Lyon closed the public discussion and asked for a motion to discuss by board members.

MOTION MADE (Katharine Fisher) AND SECONDED (Ann Bedard) to further discuss with board members.

Chair Lyon summarized the applicant's request stating this proposal serves the public interest in complying with the spirit of the zoning ordinance which limits density. This proposal is actually better than what is required by the ordinance in that it limits development to only two lots as opposed to the allowable five lots. Values of abutting lots are not diminished because the abutters approve and proposed residences will be far back from the road without much visibility from the road. The literal enforcement of the ordinance creates a hardship because it argues against the very things the zoning ordinance wishes to encourage. The special characteristics of this parcel are that it meets all the requirements for subdivision except for one provision regarding the road frontage. Chair Lyon suggested the variance should be approved, that there be no additional subdivision that it require planning board approval and a letter be required from Peter Messer approving Mr. Grace to act as agent on his behalf.

IT WAS MOVED (Chair Lyon) AND SECONDED (Ann Bedard) to approve the variance subject to the following conditions:

- 1. Receipt of letter from Peter Messer authorizing the agent Dan Grace to act on his behalf**
 - 2. No further subdivision beyond the two lots that are being proposed**
 - 3. The driveway to be joint access from Tracy Road serving both lots in the two-lot subdivision as approved by the Planning Board.**
 - 4. Variance is granted only with the approval of the Planning Board for the plan that is being proposed**
 - 5. Although final plan not ready, it will not deviate from plan as presented tonight**
- THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Jennifer Vitiello
Recording Secretary

The application materials are available for public review at the Town Office during regular office hours, and will also be available at the Zoning Board of Adjustment (ZBA) meeting. Information is also be available on the Town's website. Written comments from abutters and other interested parties will become part of the public record and provided to the Board for the discussion. Questions and comments can be directed to Kim Hallquist at 526-4821, ext. 13.

All Town of New London public meetings are accessible for persons with disabilities. Reasonable efforts will be made to accommodate persons with physical, emotional or sensory disabilities. Any person who feels that he or she may be unable to participate in a Town of New London public meeting should contact the Town at least 48 hours in advance of the meeting. Please contact the Town Office at 526-4821 ext. 10.