



TOWN OF NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT (ZBA) MEETING MINUTES Tuesday, September 18, 2018 6:30 PM

MEMBERS PRESENT: Douglas W. Lyon (Chair), W. Michael Todd, Katharine Fischer, Heidi Lauridsen, Frank Anzalone, Stan Bright (Alt), Bruce Hudson (Alt)

MEMBERS EXCUSED: Ann Bedard (recused)

STAFF PRESENT: Nicole Gage, Zoning Administrator

OTHERS PRESENT: Pierre Bedard

1. Call to Order – Chair Lyon called the meeting to order at 6:30pm.
2. Roll Call – Chair Lyon called the roll.
3. Review Minutes of July 11th and August 7th

IT WAS MOVED (Michael Todd) AND SECONDED (Katharine Fischer) to approve the minutes of the July 11, 2018 and August 7, 2018 meetings. THE MOTION WAS APPROVED UNANIMOUSLY.

4. PUBLIC HEARING / SPECIAL EXCEPTION for ZBA Case #18-14. Property: 148 Little Brook Road. Tax map 035-042-000. Zoned Residential (R2) in the Streams Conservation Overlay District. Applicant: Pierre Bedard, Applicant / Owner: Obenshain Penelope J Qual. Per. Res. Tst. / Obenshain Penelope J Trustee. Special Exception pertaining to a proposed expansion of porch/single family home in the Streams Conservation Overlay District. Uses Permitted by Special Exception specified in Article XXII, Sections G.3: a reduction of the depth of the stream buffer described in Paragraph D, Natural Woodland Buffer.

Pierre Bedard attended the meeting representing Penelope Obenshain in order to obtain a special exception for property located on 148 Little Brook Road. This special exception pertains to the proposed expansion of a porch in the streams conservation overlay district. Mr. Bedard noted the proposal stated the expansion of the porch was to be four feet to the East and four feet to the North. He would like that corrected so it reads four feet to the West and four feet to North.

The current porch is 47 feet from the nearest point of the bank of the brook. The addition will make it 45 feet from the bank of the brook. There is a berm between the bank of the brook and the porch in this area preventing runoff from getting to the brook at this location. There is a 2.5 ft. crushed stone apron around the dwelling, including the porch. Any storm water runoff that is not infiltrated around the structure will flow further downstream, approximately 70 feet. Much of the landscape of the property, especially adjacent to the brook has been maintained in a very natural condition. Mr. Bedard believes that the condition of the property is in keeping with the spirit of the ordinance in protecting Little Brook from adverse impacts.

Chair Lyon clarified that plantings in front of the current porch would need to be removed for the expansion. There is not a foundation under the current porch so there would be a slab. Chair Lyon asked what the plans were regarding the pitch of the roof but Mr. Bedard was unsure.

Michael Todd asked Mr. Bedard if there was anything in the proposal that in his opinion would cause disturbance to the quality of the water in the brook. Mr. Bedard stated no.

Chair Lyon stated that a special exception is allowed for a reduction in the buffer. In the zoning ordinance, provision G,3 states a use is permitted by special exception for a reduction of the depth of the stream buffer. Mr. Bedard is asking to allow a reduction in the buffer sufficient to allow the construction of this porch. Mr. Todd also added there is minimal impact to the neighbors as well. He doesn't see any concerns with regards to the ordinance they are to follow to grant this special exception. Chair Lyon agrees and stated he went through all the various criteria and doesn't see there will be impact.

IT WAS MOVED (Michael Todd) AND SECONDED (Frank Anzalone) to discuss. THE MOTION WAS APPROVED UNANIMOUSLY.

Chair Lyon stated while he was looking through the criteria, he noted much of it was related to much larger projects.

Frank Anzalone noted that the intent is to protect the natural woodland buffer. By approving this we will not be doing any harm.

IT WAS MOVED (Michael Todd) AND SECONDED (Frank Anzalone) to grant a special exception to reduce the stream buffer to 45 feet to allow the expansion of the porch, with the following conditions:

- 1. that the crushed stone currently around the porch be replaced around the new construction sides; and**
- 2. that any plantings disturbed by the construction be replaced with plantings listed on the NH Department of Environmental Services (NHDES) list of Native Shoreland/Riparian Buffer Plantings for New Hampshire, per the NHDES website.**

5. Other Business

Chair Lyon discussed a possible upcoming case that requires legal counsel. As soon as we receive this clarification from legal counsel, Nicole Gage will notify the board as to whether we will meet on October 2, 2018.

There was also a lengthy discussion regarding the Planning Board and the fact that they will soon be considering amendments to the zoning ordinance via a subcommittee of Planning Board members. Article 20 consistently has varied interpretation and discusses non-conforming uses and our pre-existing non-conforming structures. There needs to be clarification and perhaps should be renumbered. It was suggested that proposed changes should be reviewed by legal counsel.

6. Motion to Adjourn

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

The meeting was adjourned at 7:32 pm.

Respectfully submitted,

Trina Dawson
Recording Secretary
Town of New London