



TOWN OF NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT MEETING MINUTES Tuesday, September 29, 2015 6:30 PM

MEMBERS PRESENT: Douglas W. Lyon (Chair), Vahan Sarkisian, Ann Bedard, Cheryl Devoe, Paul Vance, Frank Anzalone (Alternate), Katherine Fischer (Alternate)

MEMBERS ABSENT: W. Michael Todd and Jerry Coogan (Alternate)

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

OTHERS PRESENT: Robert Stahlman, Donald Greaney (abutter), Bill Helm (Chair of Planning Board), Bill & Jeanine Berger (abutters), Margaret McPadden (abutter) and Deborah Lambert (abutter).

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

Roll Call: Chair Lyon called the roll. He said the meeting had been properly noticed. He appointed Paul Vance to sit in place of Michael Todd. He announced the voting members to include Doug Lyon, Vahan Sarkisian, Ann Bedard, Cheryl Devoe and Paul Vance.

Approval of Minutes:

No action was taken on September 14, 2014 minutes.

Public Hearing:

- **Variance application for Robert L. Stahlman.** Property located at 21 Gould Road. Tax Map 084-081-000. Zoned Residential, R-1. Owners Donald & Elaine Greaney. Mr. Stahlman proposes to purchase a portion of the Greaney property and construct a parking lot for the Stahlman Office building which is located at 74 Pleasant and is zoned commercial. Variance requested are:
 - Variance to Article V, Residential District – Permitted Uses (A), a commercial parking lot is not a permitted use in the residential zoning district.

Chair Lyon gave the floor to Robert Stahlman to present his application.

Mr. Stahlman proceeded to make a presentation. Key points of the presentation included:

- ✓ Detailed history of his company, the property, expansion of the company over the years; various occupants of the building over the years including his own engineering firm, the New London Hospital, smaller businesses, accountant, various service providers and others as space became available.
- ✓ He brought the lot in the early 1980s, and moved his company there in 1986.
- ✓ His company was quite successful and has provided over \$250,000 in taxes over the years to the Towns.

- ✓ Parking spaces provided on site (23 spaces). Parking needs have changes over time, and over the years he has been able to make parking lease arrangements with various abutters over the years. Currently, has trouble retaining occupants as there isn't enough parking, or parking nearby to lease. He needs more parking area. There is not any other parking available in the area. He tried to acquire parking with other businesses in the area with not success. The only option available is acquiring a piece of the Greaney property. Recently, he had to turn down additional tenants due to lack of parking. He needs additional parking to be able to lease the building.
- ✓ Conveyed he could put up a fence and could provide additional screening with trees and other vegetation.
- ✓ Lot is surrounded on three sides by other commercial uses- old Post Office now Canary Systems, Bittersweet Housing Complex, Bank and Church.
- ✓ The site is only a day-time operation.
- ✓ Discussed that he met or talked with the abutters, including the residents of the condominium complex and they don't have any issues.
- ✓ In the 1990s he was the 4th largest employer in Town after the Hospital, Colby-Sawyer College, the grocery store and his business.
- ✓ There are only two professional offices building complexes in Town, his building and the Gallery.
- ✓ Noted that there aren't wetlands in the area the trees are growing in.

Chair Lyon said, the board can only base a decision on the five variance criteria. Mr. Stahlman reviewed the criteria and noted that it seems quite obvious to him that parking is needed, and this should be easy for the board to decide. Mr. Stahlman noted that the surrounding properties will not be diminished. He didn't think the surrounding properties will be affected at all. No complaints have been raised to him personally. He commented that the variance criteria are not easy to respond to, and that he should be granted the variance.

Public Hearing Opened:

Chair Lyon asked the audience if there was anyone who had testimony, thoughts or information they want to provide. Chair Lyon explained that three (3) letters had been received at the start of the meeting. Each of the three letters expressed opposition to the variance. Letters received from Margaret McPadden of 41 Gould Road, unit #1; Deborah Lambert, unit #2 and E.L. Stone of unit #3. Chair Lyon read the three letters from the abutters. Deborah Lambert – objects to the trees being removed and paved parking, would prefer gravel. Margaret McPadden – objects to a change in zoning from R-1 to commercial use, the removal of trees and is concerned about runoff and detrimental effects to the wetland areas; E. L. Stone – objects to trees being cut down and encroaching on residential area.

Donald Greaney, an abutter at 21 Gould Rd and is the one proposing to sell a portion of his land to Mr. Stahlman. He noted that he recently purchased the house as his son attends Colby Sawyer College. Said he would like to sell a portion of his land for the additional parking needed. His land abuts the back end of Stahlman's. He noted that there is no parking on the streets. He noted that his garage was once used as a small lawnmower business. He believes this is good for the community that this would benefit the Town, it will help local people find and keep their jobs, and a better way would be to rezone the site commercial.

Bill & Janene Berger, abutters and nearby by business owners. Noted they have lived in town 35 years and the commercial area has not grown. Mr. Berger commented it is vital to have a strong commercial presence, as we need to bring in young people looking for job, providing housing and spending money locally. He would like to see the area prosper. He noted that the Town has grown residentially but not commercially. He would like to see more businesses able to support the residents.

Chair Lyon asked if there were any additional comments from the audience. There were no other.

Motion:

**IT WAS MOVED (Chair Lyon) AND SECONDED (Cheryl Devoe) to discuss.
THE MOTION WAS APPROVED UNANIMOUSLY.**

Board Discussion Opened:

Chair Lyon agrees that the Stahlman's property has been a plus for the Town and agrees with some of the other comments made by Mr. Stahlman. He had reviewed the file, other cases and talked with Town Counsel as this is a use variance. Parking relates to the building size and this has the minimal parking spaces required. He has visited the site however, the hardship being presented is converting the property from residential to commercial. The board cannot change the zoning ordinance. He commented that Mr. Stahlman has other options to consider such as bringing his request for a zoning district change to the Planning Board for consideration as a possible zoning amendment or as a petitioned zoning amendment idea. Staff reiterated that these options have been discussed with Mr. Stahlman. Chair Lyon commented that this is a big issue potentially changing the zoning classification of an area of town.

The Board asked if there were any wetlands, discussed the trees and screening, and that Site Plan review would be required if approved. Vahan Sarkisian expressed that he thought Mr. Stahlman met the five variance criteria in that this is not contrary to the public interest, justice would be done, the spirit of the ordinance would be observed as this is not hurting the town or the abutters, and it would add to the tax value and help the commercial base. Other ZBA members expressed concern that this does not meet the variance criteria and they don't have the authority to essentially change the zoning ordinance by changing a zoning district boundary. Frank Anzalone commented for the record that his wife works for one of the businesses in the Stahlman building. A question asked if he can go to the Planning Board to subdivide, staff commented yes.

The Board discussed with Mr. Stahlman that at this moment based on the information presented they would likely vote to deny the variance request. Chair Lyon and staff commented that Mr. Stahlman may want to retain the assistance of legal counsel or some other professional to assist him in presenting his application. Mr. Stahlman requested that the ZBA continue the public hearing to another date.

Discussion ended:

Motion:

IT WAS MOVED (Doug Lyon) AND SECONDED (Ann Bedard) to continue the Public Hearing to Tuesday, Nov 10, 2015 in the Sydney Crook Conference Room, Town Offices, 2nd floor at 6:30 p.m. THE MOTION PASSED UNANIMOUSLY

Other Business:

There was no further business.

Joint Meeting with Planning Board

The ZBA asked that Ms. S. John send out an email with two possible dates for a joint meeting with the ZBA, Oct 20 or Nov 3rd.

Municipal Law Lecture Series 2015

Ms. St. John reminded board members of the NHMA Municipal Law Lecture series.

Motion to Adjourn:

IT WAS MOVED (Chair Lyon) AND SECONDED (Vahan Sarkisian) to adjourn the meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

Meeting adjourned at 8:20 pm.

Respectfully submitted,

Dianne Richtmyer, Recording Secretary
Town of New London