

APPLICATION FOR A SPECIAL EXCEPTION

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TOWN OF NEW LONDON  
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To: Zoning Board of Adjustment,  
Town of New London

Name of owner/applicant: Philip and Jill Miller

Mailing Address: P.O. Box 1280 State: NH Zip 03257

Home Telephone: \_\_\_\_\_ Work Telephone: 603-456-3678 Cell: \_\_\_\_\_

Email address: ggrigsby@pellettieriassoc.com

Owners of property: Pike Brook Road Revocable Trust of 2014  
Jacqueline M. Hudkins, Trustee  
P.O. Box 6630  
Portsmouth, NH 03802

Location of property 80 Pike Brook Road

Tax Map Number: 135 Lot Number: 10 Zone: R2

APPLICATION FOR A SPECIAL EXCEPTION

The applicant is applying for a Special Exception use, structure or activity that is permitted with the review and approval of the ZBA, as specified in the Zoning Ordinance by Article: XIII Section: E.(1), and can best be described as follows;

Crossing of a wetland with a road, and culvert.

Explain how the proposal meets the special exception criteria as specified in Article: XXI, Section: G. 1-3 of the zoning ordinance [list all criteria from ordinance]

Criteria 1 - See Attached

Criteria 2 - See Attached

Criteria 3 - See Attached

Applicant(s) signature: [Signature] Under P.O.A. Date: 8/8/16

Applicant(s) signature: [Signature] Date: 8/8/16



LANDSCAPE ARCHITECTURE, CONSTRUCTION & FINE GARDENING  
169 KEARSARGE MOUNTAIN ROAD : WARNER, NH 03278 : (603)456-3678

**Executive Summary for Proposed Special Exception  
To New London Zoning Article XIII, Section E. (1)**

*Pike Brook Road Revocable Trust of 2014; Tax Map 135, Lot 10, Zone R2*

*May 31, 2016*

Application is herewith made for a Special Exception to New London Zoning Article XIII, Section E. (1). This Article requires a Special Exception for crossing a wetland with a road, in this case the realignment of Pike Brook Road. The proposed improvements under consideration will vastly improve safety on the Miller Lot and improve environmental conditions on properties to the north, especially within the 100' 'significant' wetlands buffer.

The primary reason for the wetlands crossing is for the safety of the users of the Miller property. Currently, all traffic moves through the middle of the Miller property, where it conflicts with pets, pedestrians and users of the property. While it is a private road, not everyone obeys the 15 mph posted speed limit, which increases the likelihood of an accident.

The proposed alignment moves the road further out of the wetlands buffer, and only impacts a limited amount of vegetation, as the proposed alignment primarily follows an existing utility cut. It is important to note, that the proposed wetland to be crossed is in no way connected to, or contiguous with, the 'significant' wetland to the north. The current road will be abandoned and the compacted soils removed. The area will be recontoured to blend with existing grades, using soils hospitable to plant growth, and revegetated with native, or improved native plant selections (see attached restoration plan).

We have carefully designed the roadway alignment to be least impacting. A majority of work takes place in previously disturbed areas. The roadway alignment, and the alignment of the driveways, have been carefully designed to preserve existing trees and to avoid the recently installed septic system. Additionally, the engineered site design will receive the highest level of scrutiny by the NHDES Alteration of Terrain bureau and the Wetlands Bureau. "Low Impact Development" techniques, such as rain gardens will be utilized, helping ensure that storm water is appropriately treated on site.

Please see the accompanying letter signed by Pike Brook Revocable Trust of 2014, indicating approval/understanding of the Special Exception and site work being proposed on their property, as part of the proposed Miller realignment.

**Special Exception Criteria XXI G.1-3  
For  
Wetlands Crossing (XIII. E. (1))**

*Pike Brook Road Revocable Trust of 2014; Tax Map 135, Lot 10, Zone R2  
May 31, 2016*

Criteria #1 - Requirements and Standards

- XXI.G.1.a There is no change in the use of the relocated road. Abutters and Chief Lyons have agreed to its 14' travelled surface with 2' loamy gravel shoulders on each side. The restoration of the old road will be in harmony with the surrounding topography and vegetation. Burying utilities is a more reliable means of servicing the property with power, and does not change the use of the property.
- XXI.G.1.b By moving the main travel way of the road away from the 'significant' wetland, greater protection to the resource is achieved. The restoration of the old roadway with native, or improved native vegetation, helps with the bio-filtration of storm water and would clearly have positive impacts on the water quality of Lake Sunapee. Proper erosion control measures and best management practices will be maintained until all exposed areas have been adequately stabilized. Burying the utilities will improve the overall aesthetics, and therefore will not impair, or be detrimental to the neighborhood.
- XXI.G.1.c A wetlands crossing is specifically allowed with a Special Exception by Article XIII, Section E. (1).
- XXI.G.1.d A new sewage disposal system was designed and installed in 2013 on the Miller property. Lot 10 had no state approved system at the time of purchase, and that system was removed as part of the planning for the lot. In addition the impervious area of Lot 10 has been reduced over 68% from its condition at the time of purchase by the Trust. Stormwater management is designed by Blakeman Engineering, and will meet the rigorous standards of the NHDES Alteration of Terrain program.
- XXI.G.1.e Safety is the primary reason for the realignment of this portion of the road. Currently, there are frequent vehicular/pedestrian conflicts, as all the traffic for properties south of the Millers pass through the middle of the subject property, a space naturally frequented by grandchildren, pets, and

other guests. The proposed road alignment and the driveway improvements will nearly eliminate the exposure to this danger, not only for the Millers and their guests, but for the users of Pike Brook Road as well. Post-construction traffic volume is likely to be the same as pre-construction volume, as the use of the property, and those beyond remain the same.

XXI.G.1.f The proposed Special Exception does conform to all other requirements of the Town Zoning Regulations.

XXI.G.1.g The proposed realignment will actually improve both the character and enjoyment of the neighborhood, by separating the private use spaces of the Miller property and Lot 10, with that of Pike Brook Road. By relocating the road where it should have been located in the first place, and creating a more traditional driveway arrangement for the Millers and Pike Brook Revocable Trust of 2014, we create a larger, contiguous vegetated wetland buffer that will benefit the owners of the property and neighbors that can see it. Others in the neighborhood may realize an intangible benefit by having a larger buffer for wildlife habitat and improved stormwater runoff to the adjacent wetland.

XXI.G.1.h The proposed realignment is clearly compatible with the spirit of the ordinance for the reasons mentioned above. In addition, it has been designed to be the least impacting as practicable. Its alignment helps maintain a more contiguous wetland buffer, the use of native vegetation aims to restore the old roadway and slow runoff moving toward the wetland and Lake Sunapee. Additionally, measures will be taken to ensure the construction has no unintended impacts, by instituting and maintaining proper erosion control measures.

#### Criteria #2 – Conditions and Safeguards

XXI.G.2 This criterion discusses various conditions and safeguards that the Zoning Board may impose on the property. These are all items that the Board may evaluate during their deliberations. That said, the Millers have proposed a robust restoration plan that has been reviewed and approved by the directly adjacent abutters, for work on their property. Further, maintenance conditions/provisions, with regard to the plantings will be in place for 2 years after completion of the project.

#### Criteria #3 – Completion of Project

XXI.G.3 This criterion discusses financial ability to carry out the project where the special exception involves a large construction project. The proposed roadway realignment and the driveway/utility improvements, associated with a single, private residential unit, would not seem to meet the criteria for a “large construction project.”



*Town of New London*  
*Office of the Fire Chief*

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*P.O. Box 375*  
*237 Main Street*  
*New London, NH 03257*

September 23, 2015

New London Planning Board

Lucy St. John  
New London Zoning Administrator  
375 Main Street  
New London, NH 03257

Dear Ms. St. John,

This letter is to follow up on the Planning Board Meeting that was held on September 15<sup>th</sup> with regards to the Pike Brook Road relocation. Although I understand that the Town of New London does not have any oversight of private roads and bridges in New London, I believe that the residents in this area are willing to update the road to make travel safer, while trying to limit the vehicular speeds in this rural community.

I have talked to Peter Blakeman and he has presented a road design that would be 14' wide with 2' of gravel on either side. This 18' road would support our fire apparatus during an emergency and would allow for two pieces to pass more safely than the current road. We would also have a better line of sight and we wouldn't have the usual concern of trucks being stuck during spring thaw conditions. This 2' area would be covered with a thin layer of material that would allow for growth of grass to help reduce the travel speeds. Not only does this proposal ease my concerns about increased safety, but would also keep the "summer camp" feeling of this private road.

I would hope that any addition modifications of other sections of this road follow the same design that Mr. Blakeman has submitted to the Planning Board. I am in favor of this compromise, as it will increase the safety of personnel and equipment while responding to emergency events in this area.

Respectfully submitted,

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Jason B. Lyon, Fire Chief

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New London Planning Board Meeting Minutes of October 6, 2015

- . **Service Street Review of Pike Brook Road**, a private road.  
Discussion of possible relocation and if Planning Board approval is required for the relocation. Most recently discussed at the Sept 15<sup>th</sup> Planning Board Meeting.
- . Chair Helm explained upon consultation with Town Counsel that Planning Board approval was not required to relocate the private road as the Planning Board does not have jurisdiction as Pike Brook Road was not part of an approved subdivision plan. He also referred to a letter received Oct 6, 2015 dated September 23, 2015 to Lucy St. John from Jay Lyon, Fire Chief, providing a follow up to the Planning Board meeting of Sept 15<sup>th</sup>.
- . Attorney Stephan Nix, attorney representing the Pike Brook Trust was to speak about proposal but after hearing the statement from Chair Helm commented that he didn't need to make a presentation on this matter. He did explained their desire to move the road away from the house and the lake to facilitate construction.
- . Greg Grigsby, of Pellettieri Associates and Peter Blakeman, of Blakeman Engineering provided an overview of the road plans, explaining the only difference is a 14 foot travel way (from a 12 foot travel way) with 2 foot shoulder and that the shoulder will be paved with a substance that will support occasional vehicular traffic and promote green growth that can be brush cut from time to time and at the same time, satisfy the safety aspect expressed by Chief Lyon. This will address aesthetic concerns from neighbors and the safety concerns from the Town. They noted that the bridge is still a concern for the neighbors and Chief Lyon. Peter Blakeman

stated they will need to get some State permits and will be submit As-Built drawings when the road is complete.

- . Ms. St. John noted that several residents of Pike Brook Road and Charles Myer of Cambridge were in attendance and had previously asked about the abutter notification process. Lucy St. John explained that a public hearing had not been scheduled for this discussion. She explained that the property owners elected to send a notice to the abutters to keep them apprised of the discussion. She noted that typically abutter notices are sent out via certified mail. The owner mailed two of the letters to Canada via Register mail, which is more expensive.

Chair Helm stated for the record that the difference between Pike Brook Road and other projects is that it cannot be determined that there is a subdivision issue here. Lacking that, the Planning Board does not have standing on this issue.

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I

Jacqueline M. Hudkins, Trustee of  
the Pike Brook Road Revocable Trust of 2014  
PO Box 6630  
Portsmouth, NH 03802

Owner of property located at 96, 98 and 80 Pike Brook Road  
New London, Merrimack County, New Hampshire  
a/k/a Tax Lots 135-08,135-09 and 135-10

do hereby make, constitute and appoint:

Stephan T. Nix, Esq.  
25 Country Club Road, Suite 502  
Gilford, NH 03249

my true and lawful attorney for me and in my name, place and stead, and in my behalf, and for my use and benefit to exercise or perform any act, power, duty, right or obligation whatsoever that I now have, or may hereafter acquire the legal right, power, or capacity to exercise or perform, but only to the extent set forth below in this Special Power of Attorney:

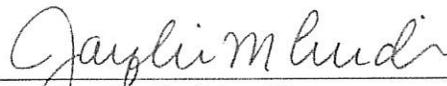
to sign all application documents and act as agent for all applications and appeals to all Town of New London, New Hampshire, boards and commissions, including but not limited to the Board of Selectmen, Planning and Zoning Boards and Conservation Commission, regarding any land use matter for property located at 96, 98 and 80 Pike Brook Road, New London, New Hampshire. This power of attorney includes, but is not limited to, the specific power to sign any town applications and appeals and to appear as agent before the Boards.

I grant to said attorney full power and authority to do, take, and perform, all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully for all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.

No person shall be required to inquire as to the circumstances of the issuance or use of this instrument or as to the disposition of any proceeds paid to my attorney based on this instrument.

If this Special Power of Attorney is terminated by operation of law, any person acting in reliance upon it without notice of such termination shall be held harmless.

EXECUTED, this 20 day of May, 2015.



Jacqueline M. Hudkins, Trustee  
of the Pike Brook Road Revocable Trust of 2014

Acknowledgment

State of New Hampshire )  
County of Rockingham ) ss

This instrument was acknowledged before me on May 20, 2015, by Jacqueline M. Hudkins, Trustee of the Pike Brook Road Revocable Trust of 2014.



Notary Public / Justice of the Peace  
My Commission Expires: \_\_\_\_\_

