

**APPLICATION FOR A SPECIAL EXCEPTION**

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TOWN OF NEW LONDON  
LH

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@pellettierassoc.com

Owners of property: Carr Land Holdings, LLC.  
P.O. Box 242  
New London, NH 03257

Location of property Soo Nipi Park Road

Tax Map Number: 136 Lot Number: 7 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;

Site work within the 100' wetlands buffer for road realignment/restoration and utility work, with approximately 3,730 SF of disturbance.

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

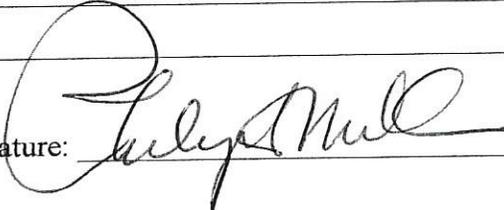
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Criteria 2 - See Attached

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Criteria 3 - See Attached

\_\_\_\_\_

Applicant(s) signature:  Date: 8/8/16



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

ABUTTER ACKNOWLEDGEMENT

Carr Land Holdings, LLC.  
C/o Ryan Carr  
P.O. Box 242  
New London, NH 03257

**Date:** 01 June 2016

**Re:** Miller Re-alignment of Pike Brook Road  
On Pike Brook road  
New London, NH 03257  
Tax Map 136 Lot 7

Dear Ryan,

For some time now, we have been discussing and planning the realignment of Pike Brook Road, on, and to the south, of your property referenced above. This letter serves as documentation confirming awareness of the proposed work. This letter does not obligate the parties to a final agreement, but rather a tacit understanding and acceptance of the general plans, in order to advance regulatory approvals at the state and local levels for the Miller section of the realignment.

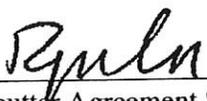
More specifically, a portion of the site improvements includes work on the Carr Land Holdings portion of Pike Brook Road. This work involves realigning approximately 50 linear feet of Pike Brook Road, restoring/revegetating the old alignment, relocating overhead utilities and providing conduit beneath the realigned portion of the road for possible underground utilities in the future. In addition it also includes adding new screening vegetation in key disturbed areas for enhanced screening and privacy. The attached plans identify the proposed alignment, erosion controls, wetlands crossing, and plantings.

The second acknowledgement is relative to Wetland Permitting where the new road alignment crosses jurisdictional wetlands with a culvert. While this new culvert and the associated wetland disturbance is entirely on Tax Map 135 Lot 10 (Ferrante), when any such disturbance is within 20 feet of a property line, NH Wetland Rules (specifically Env-Wt 304.04) require written agreement from an affected abutter "concurring with any impact that may result relative to the abutters interests."

Accordingly, we are seeking general written agreement from you regarding the work indicated in this letter. If you are in agreement with the proposed improvements, please sign this letter in the space indicated below, and send it back to our office at your earliest convenience. As always, if there are any questions, please contact our office.

Sincerely,

Greg Grigsby, ASLA  
Senior Landscape Architect

  
\_\_\_\_\_  
Abutter Agreement Signature

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

*Carr Land Holdings, LLC; Tax Map 136, Lot 7, 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 any site work within the Wetlands Overlay District, in this case the realignment of Pike Brook Road. The proposed improvements under consideration will improve safety and environmental conditions on the property.

The primary reason for the realignment on this property is for the safety of the users of the Miller property, and for those using the road. Currently, all traffic moves through this property, close to the 'significant' wetland. Because of the topography, vegetation and road geometry, the sightlines heading south onto the Miller property are poor. Making matters worse, this alignment dumps traffic in 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. 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).

At the time of realignment, we plan to bury conduit along the proposed road, should everyone else on Pike Brook Road agree to bury the primary electric and utilities in the future. This reduces the possibility of needing future approval/disturbance should the utilities ultimately be placed underground.

A majority of work takes place in previously disturbed areas. The roadway alignment has been carefully designed to preserve existing trees by utilizing the existing utility cut. Additionally, the engineered site design will receive the highest level of scrutiny by the NHDES Alteration of Terrain bureau. Stormwater management techniques, such as vegetated buffers will be utilized, helping ensure that storm water is treated on site and not dumped directly into adjacent wetlands.

Please see the accompanying letter signed by Carr Land Holdings, LLC, 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  
Site Work within 100' Wetlands Buffer (XIII. E. (1))**

*Carr Land Holdings, LLC.; Tax Map 136, Lot 7  
May 9, 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 properties beyond 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 Site work within the Wetlands Overlay District is specifically allowed with a Special Exception by Article XIII, Section E. (1).
- XXI.G.1.d Provisions will be made for the possibility of future underground primary service to the properties south of the subject property, at the time of the road realignment, by installing conduit along the road. 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, however, moving it further from the significant wetland is an environmental improvement as well. The proposed road alignment and

the slightly larger width will be particularly helpful for emergency apparatus, and expect no detrimental vehicular or pedestrian impacts as a result of the work. Post-construction traffic volume is likely to be the same as pre-construction volume, since 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 on this property will have little impact on character and enjoyment of the neighborhood. It is necessary to begin the realignment on this property, in order to appropriately design/locate the road to the south. By relocating the road where it should have been located in the first place, 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, Carr Land Holdings LLC has reviewed and approved the restoration plan proposed by the Millers for work/plantings 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 utility improvements, associated with this small segment of a private road, would not seem to meet the criteria for a “large construction project.”

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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.