

APPLICATION FOR A SPECIAL EXCEPTION

RECEIVED

AUG - 8 2013

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: Same

Location of property 74 Pike Brook Road

Tax Map Number: 135 Lot Number: 11 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;

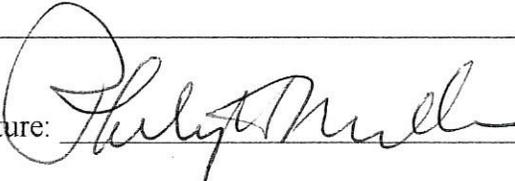
Crossing of a wetland with a road, and culvert.

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:  Date: 8/8/16

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

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

Philip and Jill Miller; Tax Map 135, Lot 11, 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))**

*Philip and Jill Miller Map 135, Lot 11
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 Site work within the Wetlands Overlay District 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. This design has been reviewed and approved by the town and state. This proposal has no impacts on the existing leach field. 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, 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, 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.”

APPLICATION FOR A SPECIAL EXCEPTION

RECEIVED

AUG - 8 2013

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@pellettieriassoc.com

Owners of property: Same

Location of property 74 Pike Brook Road

Tax Map Number: 135 Lot Number: 11 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, utility work and a driveway; with approximately 354 SF of disturbance for utilities and approximately 5,950 SF of disturbance for road realignment and restoration.

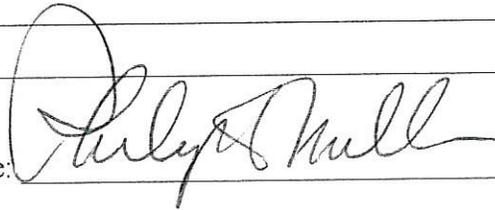
Explain how the proposal meets the special exception criteria as specified in Article: XXI, Section: G. 1-3 of the zoning ordinance [list all criteria from ordinance]

Criteria 1 - See Attached

Criteria 2 - See Attached

Criteria 3 - See Attached

Applicant(s) signature:



Date:

8/8/16

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

Philip and Jill Miller; Tax Map 135, Lot 11, Zone R2

May 9, 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 vastly improve safety, improve environmental conditions and revegetate the existing roadway, which is currently well within the 100' 'significant' wetlands buffer.

The primary reason for the realignment 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. 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).

In addition to the wetlands buffer/environmental improvements, many other related site improvements are proposed. If possible, the secondary utilities servicing the property will be buried, improving the character of the property/neighborhood, as well as the reliability of service. In addition, 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.

A majority of work takes place in previously disturbed areas. The roadway alignment, and the alignment of the driveway, 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. "Low Impact Development" techniques, such as rain gardens will be utilized, helping ensure that storm water is treated on site and not dumped directly into adjacent wetlands.

**Special Exception Criteria XXI G.1-3
For
Site Work within 100' Wetlands Buffer (XIII. E. (1))**

*Philip and Jill Miller Map 135, Lot 11
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 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 Site work within the Wetlands Overlay District 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. This design has been reviewed and approved by the town and state. This proposal has no impacts on the existing leach field. 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, 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, 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.”