



ZBA Case # 18-14
9/18/2018 Hearing

TOWN OF NEW LONDON, NEW HAMPSHIRE

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APPLICATION FOR A SPECIAL EXCEPTION

To: Zoning Board of Adjustment,
Town of New London

Name of applicant: PIERRE J. BEDARD

Mailing Address: PO BOX 632, NEW LONDON State: NH Zip: 03257

Home Telephone: 603 526-4928 Work: 603 526-4928 Cell: 603 340-0526

Email address: PJBEDARD2@HOTMAIL.COM

Owner of property: PENELOPE J OBENSHAIN QUALIFIED PERS. RES. TRUST
(if same as applicant, write "same")

Location of property 148 LITTLE BROOK RD

Tax Map Number: 035 Lot Number: 042-000 Zone: R2 - RESIDENTIAL

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: XXI Section: G, 3, and can best be described as follows;

A REDUCTION OF THE DEPTH OF THE STREAM BUFFER DESCRIBED ABOVE IN PARAGRAPH D. NATURAL WOODLAND BUFFER.

Explain how the proposal meets the special exception criteria as specified in Article: XXI, Section: G 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: _____

8/28/18

Applicant(s) signature: _____

Date: _____

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.

For questions or assistance in completing these forms, please contact:

Zoning Administrator

603-526-1246

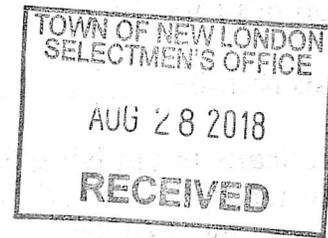
Email: zoning@nl-nh.com

Or

Land Use and Assessing Coordinator

603-526-1243

Email: landuse@nl-nh.com



PIERRE J. BEDARD & ASSOCIATES, P.C.

LAND USE CONSULTANTS, SURVEYORS, FORESTERS, & WETLAND SCIENTISTS
P. O. Box 238
WILMOT, NH 03287

www.pierrejbedard.com

Telephone 603 526-4928

e-mail: pjbedard1@hotmail.com

Criteria for Special Exception
Property of
Penelope J Obenshain, Trustee
Penelope J. Obenshain Qualified Personal Residence Trust
Tax Map 035 Parcel 042-000, 148 Little Brook Road.
Under Article XXII
STREAMS CONSERVATION OVERLAY DISTRICT

Section D. **Natural Woodland Buffer**

1. **Purpose:** The purpose of a Natural Woodland Buffer is to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrients and chemical pollution, maintaining natural water temperatures, maintaining a healthy Tree canopy and understory, preserving fish, bird and wildlife habitat, and respecting the overall natural condition of the protected shoreland.
2. **Width of Buffer:** Where existing, a Natural Woodland Buffer shall be maintained within 100 feet inland from the Ordinary High Water Mark of all Streams as defined by this Ordinance.

G. Uses Permitted by Special Exception: The following Uses may be permitted by Special Exception by the Zoning Board of Adjustment:

3. A reduction of the depth of the Stream buffer described above in Paragraph D. Natural Woodland Buffer.

Background

The Obenshain family bought the property with buildings thereon in 1980. The existing dwelling, built in 1967 was replaced in 1997 on the existing; foundation with the addition of a two stall garage. This predates the adoption of the Article XXII, The Streams Overlay District (March 13, 2001). This property is in the Residential - R-2 Zoning District. The existing dwelling meets all setbacks for the underlying district. The building however is mostly within the Natural Woodland Buffer of the overlay district (see site plan). One of the property lines is Little Brook. Since owning the property, the Obenshains have removed a deck that was on the brook side of the house.

The Obenshain family would like to build a small addition to their screen porch. Their family now numbers 11 and gatherings on the porch are cramped. The proposal is to expand the porch 4 feet to the east and 4 feet to the north (see architectural drawing). This renovation will also meet or exceed setbacks for the underlying zoning district. The area adjacent to the structure where the renovations would take place is landscaped with natural plants, shrubs, and natural bark mulch.. It appears that, at some time in the past, probably by the original owner, a berm was built adjacent to Little Brook to protect the dwelling from flooding.



Criteria 1:

- a. The proposed addition will occur in an area that is not a natural woodland. The area adjacent to the brook has been maintained in a natural condition. Article XXII Section D.2. Width of Buffer: begins with the term “Where existing, a Natural Woodland Buffer shall be maintained...”. The area around the dwelling where the improvements will take place is not a Natural Woodland. No trees will be removed as part of this project.
- b. The addition will be an expansion of the existing screen porch as described in the background. The use will remain the same.
- c. A reduction of the depth of the Stream buffer is allowed under Section G.3. of the Streams Conservation Overlay District.
- d. There is an existing sewage disposal system outside the overlay district except for a portion of the septic tank. The existing system is functioning as designed. An Approval for Construction of a replacement system was granted in May of 2000. The approval has been updated 3 subsequent times. The last being February of 2015 (eCA2015020201). A new application will soon be filled to update the existing approval that will expire early next year.
- e. There will not be detrimental impacts to vehicular and pedestrian traffic movement in the neighborhood. The work will occur on the rear of the dwelling.
- f. As stated above the existing dwelling and proposed addition meets all setbacks for the underlying district.
- g. The addition will not be visible to abutting properties in the neighborhood. It will be in keeping with the character of surrounding properties.
- h. The existing berm adjacent to Little Brook and between it and the structure acts as an enhancement to the buffer directing most runoff away from the brook.

Criteria 2: The existing landscaping, such as the berm, plantings of Rhododendron shrubs and limits to lawn areas (see photos) augments protection of the brook. We believe that in keeping with the purpose of the ordinance granting the Special Exception will continue to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrients and chemical pollution, maintaining natural water temperatures, maintaining a healthy Tree canopy and understory, preserving fish, bird and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

Criteria 3: This project is not very large in scope.. Disturbance to the area will be minimal.. The intent and spirit of the ordinance will not be compromised. The property has existed as non-conforming prior to the adoption of the ordinance.



148 Little Brook Road

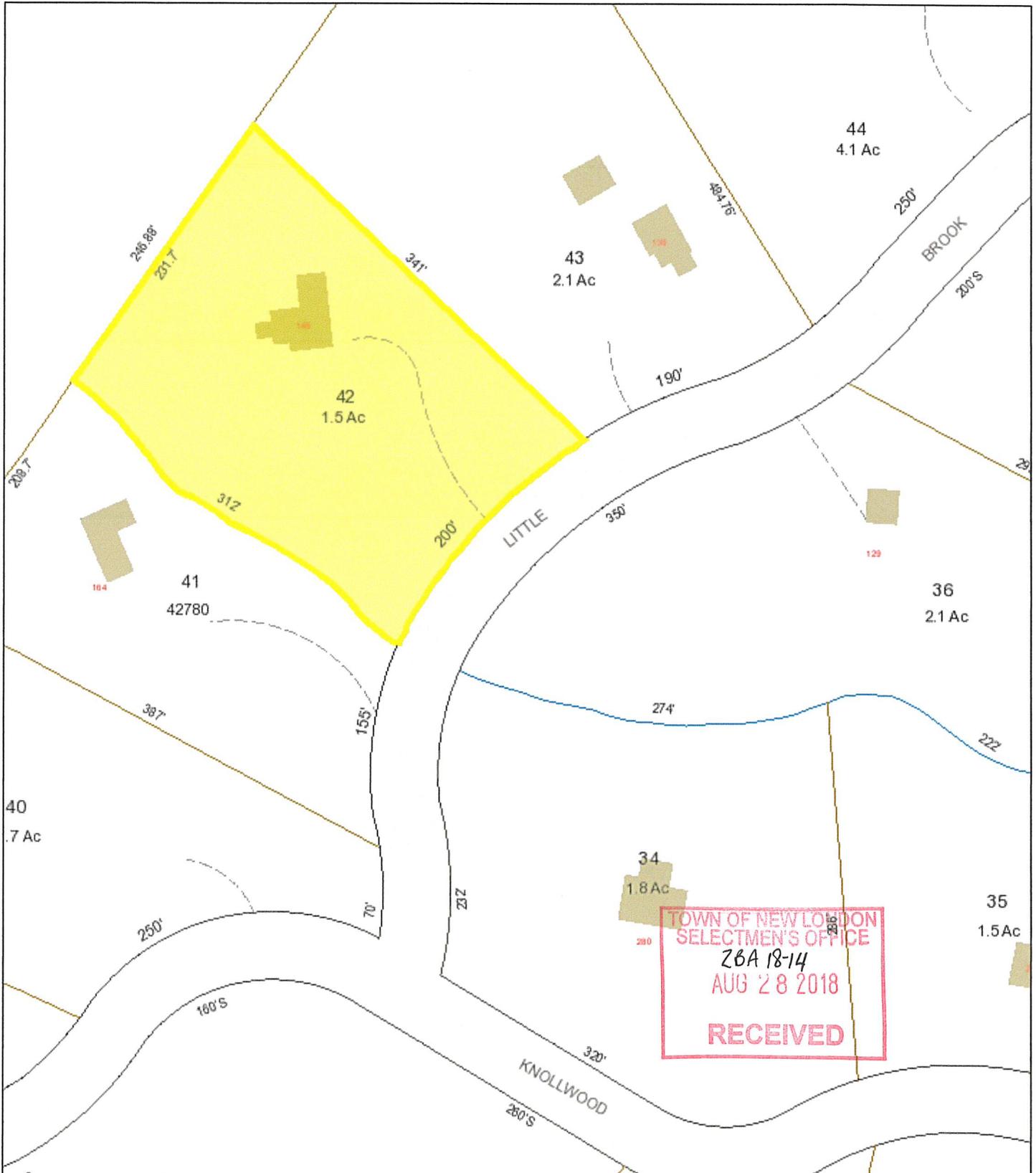
Tri Town, NH



August 23, 2018

1 inch = 100 Feet

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Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Letter of Authorization

RE: Tax Map 035 Parcel 042-000, 148 Little Brook Road.

To Whom It May Concern:

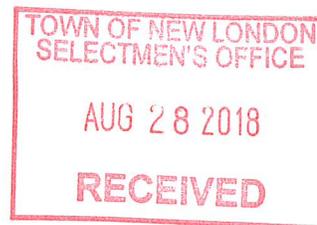
I have authorized Pierre J. Bedard to act as my agent for matters presented before the Town of New London concerning the Special Exception requests on my property at 148 Little Brook Road, Tax Map 035 Parcel 042-000.

Thank you for your consideration of this matter.

Sincerely,

Penelope J. Obenshain
Penelope J. Obenshain, Trustee
Penelope J. Obenshain Qualified Personal Residence Trus

Date: *August 27, 2018*



SITE PHOTOGRAPHS
148 LITTLE BROOK RD.
NEW LONDON, NH



A. 8/27/2018 EXISTING STRUCTURES. PROPOSED ADDITION CENTER OF PHOTOGRAPH.



B. 8/27/2018 LITTLE BROOK LOOKING DOWNSTREAM.

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C. . 8/27/2018 LOOKING UPSTREAM. PROPOSED ADDITION CENTER RIGHT OF PHOTOGRAPH.

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