



TOWN OF NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD of ADJUSTMENT MEETING MINUTES August 13, 2012

Members Present: Vice-Chair Doug Lyon, Courtland Cross, Jeff Horten, Sue Andrews, Laurie DiClerico

REQUEST FOR VARIANCE

UC Residential LLC
232 Old Main Street
New London, NH 03257

Tax Map: 107 Lot: 013

Vice-Chair Doug Lyon called the meeting to order at 7:30pm. He said that the hearing was requested by UC Residential LLC and that the property was at 232 Old Main Street in New London which is in the R2 Zone. He noted that the meeting had been noticed correctly and was being recorded. The variance requested is described as:

PURPOSE OF THE REQUESTED WAIVER

Variance to the terms of Article V, Section C-1, of the New London Zoning ordinance to permit less than the required 25' setback.

Vice-Chair Lyon said that after the application was submitted to the ZBA, some additional information was submitting pertaining to handicapped access, which would need to be clarified further. He then turned the floor over to Gary Budd, who was there to represent UC Residential LLC along with Griz Fanning, VP of UC Residential LLC.

Mr. Budd said that the owner of the property was Dan Palmier who lives in Boston. He has a property in Newbury but was interested in purchasing the Old Main Street property for his family to be able to use and visit the area. They recognized that the setback requirements would not be met when attempting to add a front porch. The property was built in the 1940's and isn't in compliance with today's zoning standards. It is 46' from the middle of the road. If they consider the distance from the edge of the road, they are at 37'. They are proposing to put a 9' x 9' porch on the front of the house. This would be the best access point for handicapped accessibility, due to the structure's makeup. They currently cannot get a wheelchair through the entrance and it was noted that the width at some points is just 29". The intent is that this will allow them to open up the area on the inside of the building and would give more area for a wheelchair to get through. They are not talking about any type of ADA compliant amenities, but the addition puts them 26' from the existing edge of the road and 37' from the middle of the road. He showed photos of the neighboring houses and noted that what they would like to do would maintain the feel of Old Main Street. Similar measurements can be found throughout the neighborhood.

Mr. Horten thought the setback was 25' and wondered why the 26' was being challenged. Mr. Budd noted that there is a 25' right of way for maintenance purposes for homes off of the road. They measure this from the center of the road, back 25'. The setback is from that 25' buffer, so it is essentially 50' from the middle of the road that the house must be.

Vice-Chair Lyon asked if there would be a roof on the porch. Mr. Fanning said that the porch they want to build would be similar to other porches in the area. The entire area, including the covered portion, would be 9' x 9'. Ms. Andrews asked if a sketch of the porch could be made as they haven't seen a photo. Mr. Budd said that it is very similar to one porch a photo he sent around.

Vice-Chair Lyon wasn't sure what zone the house was in, whether it was the AR Zone or the R2 Zone. Mr. Budd said that Ms. Rankins provided the information to him and found it fell in the R2 Zone. Vice-Chair said that they should trust Ms. Rankins' information.

There was some discussion as to the measurements being required as well as the actual width of the road. Mr. Budd said that they were told that when the original road was built, there were stone walls on each side which were considered the boundaries for the road. These walls are still being used to determine the boundary of the road. The photos were examined further to study the stone walls and where they lie.

Mr. Cross asked how recently the front porch had been built on one of the buildings Mr. Budd had provided a photograph of. He wondered the distance from that porch to the center of the road. Mr. Cross estimated it was built within the last ten years. Vice-Chair Lyon wondered if they had attained a variance for the porch. There was more discussion as to whether a variance was even needed.

Ms. DiClerico thought if it was in the ARR Zone, they would need a variance. If it is in the R2 Zone, they would not because it is 26' from the middle of the road. Mr. Budd said that this was their belief as well but they were asked to come in to the Zoning Board to see about a variance.

Mr. Horten thought that regards to the other photograph they were looking at, the house was made no worse conforming than what already existed. It didn't stick out any further than the rest of the house. Ms. Andrews said that they shouldn't make judgments from this photograph because they don't know any of the measurements. Mr. Budd agreed and said they provided the photos to show the rest of the neighborhood.

Mr. Horten said that the hardship portion of granting a variance will hinge on the necessity of having the home wheelchair accessible. It was noted by Mr. Budd that there was currently a family member who was in a wheelchair but that they did not reside at the home. Both of the owners' parents are nearing their 80's and would be visiting the home often.

Vice-Chair Lyon said he didn't understand the 25' setback issue and it didn't make sense to him. He didn't see how they would require a 25' setback and then require the total setback from the road to be 50' when the road wasn't even 25' in width. They can adjourn the hearing and get further clarification if need-be. He didn't feel there was any particular objection to this plan, but he didn't feel comfortable making a decision without clarification.

Mr. Cross said that this was an old, stable neighborhood and most of the houses have been there a long time and are all non-conforming. He wondered how much of a precedent they would actually be setting to future applicants if they granted the petition for a variance given the existing situation of the other houses on both sides of the road. He felt it important that the projection of this house will not stick out any further than the house next door.

Vice-Chair Lyon wanted to do some more research to get further clarification. Mr. Budd referenced the zoning regulations and noted that the 25' had to go beyond the 25' buffer from the road.

**IT WAS MOVED (Doug Lyon) AND SECONDED (Courtland Cross) to recess the hearing, get some further clarification and take the matter up on August 20th at 7:30pm.
THE MOTION WAS APPROVED UNANIMOUSLY.**

**IT WAS MOVED (Jeff Horten) AND SECONDED (Laurie DiClerico) to adjourn the meeting.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 8:10pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London