

NEW LONDON PLANNING BOARD

PROPOSED 2016 ZONING AMENDMENTS

AMENDMENT #1: The Planning Board proposes to amend Article XVI, Shore Land Overlay District. The major change is Sections J and Section K will be deleted and moved into Article XX, Legal Non-Conforming Uses, Legal Non-conforming Buildings and Structures and Legal Non-conforming Lots for the purpose of placing all requirements related to non-conformity in one place, and includes replacing the words “Normal High Water” in Section J 2 (b) with the words “Reference Line”. Provisions to Section G, Waterfront Buffer will be changed to allow for the removal of diseased vegetation; to require replanting when dead, diseased or unsafe trees and saplings are removed and to provide for the use of points for shrubs and groundcover when replanting. Provisions to Section H, Natural Woodland Buffer will include percentage requirements exclusive of impervious surfaces. Provisions of Section E, Development with Waterfront Access will be changed pertaining to waterfront access and common areas. In addition other minor editorial changes such as removing references to previous amendment dates and renumbering are included.

Attached is the proposed zoning amendment language and a copy of the current Zoning Ordinance provisions.

AMENDMENT # 2: The Planning Board proposes to amend Article XX, Legal Nonconforming Uses, Legal Non-conforming Buildings and Structures, and Legal Non-conforming Lots. Section C. Legal Nonconforming Lots will be revised to include a new item C (1), as the existing language of C 1 and C 3 are no longer needed.

Attached is the proposed zoning amendment language and a copy of the current Zoning Ordinance provisions.

AMENDMENT # 3: The Planning Board proposes to amend Article II, General Provisions, Section 5, Height Regulations. The proposed amendment is to delete the last sentence of # 5 Height Regulations and include it with the other nonconforming provisions of Article XX. This is intended to make the document more user friendly by having related provisions in the same Article.

ARTICLE II, GENERAL PROVISIONS # 5 Height Regulations ((page 5 of Zoning Ordinance)

5. Height Regulation: In all districts, Structures shall not exceed 35 feet in Height above Grade unless a Variance is approved by the Board of Adjustment except as noted to follow. Chimneys in or attached to Dwelling Units may exceed 35 feet in Height as necessary only to comply with state and federal fire codes requirements. The Board of Adjustment may grant a Special Exception for flagpoles, water Towers, chimneys, public utility Structures, and church steeples or radio Towers owned and operated by a federally-licensed amateur radio station operator in all districts. In the Agricultural and Rural Residential District and the Conservation District, the Board of Adjustment may grant a Special Exception for a silo or a windmill. In all districts, a radio Tower owned and operated by a federally-licensed amateur radio station

operator up to and including 70 feet in Height is a permitted Use. In all districts, the Board of Adjustment may grant a Special Exception to allow a radio Tower owned and operated by a federally-licensed amateur radio station operator in excess of 70 feet in Height. ~~For Nonconforming Structures located within the first 50 feet from the Normal High Water level in the Shore Land Overlay District, the Height shall not exceed 25 feet in Height above Grade except as provided in Article XVI Shore Land Overlay District, Paragraph K, Building Height.~~

AMENDMENT # 4: The Planning Board proposes to amend Article XV, Floodplain Overlay District to delete Section (I), as Section (I) incorrectly references Section (H), Article XVI, the Shoreland Overlay District which pertains to the Natural Woodland Buffer. This provision pertains to nonconforming structures, and there are provisions in Article XX which already address the Floodplain Overlay District (current provisions B.(3) (b) (1)).

ARTICLE XV, FLOODPLAIN OVERLAY DISTRICT (PAGES 58-62)

- I. ~~Substantial Improvement of a Nonconforming Structure located within the 50 Foot Buffer in the Shore Land Overlay District: Substantial Improvement of a Nonconforming Structure located within the 50 foot buffer in the Shore Land Overlay District is governed by the specifications in Article XVI Shore Land Overlay District, paragraph H., sub-paragraph 1.~~

AMENDMENT # 5: The Planning Board has received a Petition Zoning Amendment to rezone approximately 0.26 acres of land from Urban Residential (R-1) to Commercial (C) on the rear section of property located at 74 Pleasant Street, Tax Map 084-079-000.

See attached map and signed petition.

NEW LONDON PLANNING BOARD
PROPOSED ZONING AMENDMENT
2016
AMENDMENT #1

ARTICLE XVI
SHORE LAND OVERLAY DISTRICT

- A. Authority and Purpose: All lakes are essentially fragile. In order to protect the lakes, actual Use of lake side Lots is being regulated through the establishment of a Shore Land Overlay District.

Most of the land immediately adjacent to New Hampshire's lakes, ponds and rivers is overlaid by soil types characterized by above average erosion and drainage hazards. These lands require conservation and land management practices which minimize environmental and aesthetic degradation.

The Town of New London hereby adopts this Shore Land Overlay District and accompanying regulations in order to:

1. Protect, maintain and enhance the water quality of the lakes;
2. Conserve and protect aquatic and terrestrial habitat associated with lake areas;
3. Preserve and enhance those recreational and aesthetic values associated with the natural shore land and lake environment;
4. Encourage those uses that can be appropriately located adjacent to shorelines; and
5. Protect and promote public health, resource conservation, and the general welfare.

- B. Shore Land Overlay District Boundaries: The Shore Land Overlay District extends to a line 250 feet inland from the Reference Line on all of the following lakes and ponds: Clark Pond, Goose Hole Pond, Little Lake Sunapee, Lake Sunapee, Messer Pond, Murray Pond, Otter Pond and Pleasant Lake.

- C. Permitted Uses: The following Uses are permitted provided that they shall be conducted according to applicable provisions:

1. Docks and existing boathouses subject to the following restrictions.
 1. a. New dock construction and existing dock maintenance or replacement are permitted subject to required state permits, standards, and regulations. The attachment of the dock to the shoreland shall be the least impacting alternative as permitted by the State.
 1. b. Maintenance or replacement of existing boathouses which will not alter the use or increase the size or footprint of the structure is permitted subject to required state permits, standards, and regulations. Construction of new boathouses is not permitted.

2. Single family and accessory Structures and Uses provided that all buildings-and structures shall be set back a minimum of 50 feet from the Reference Line and constructed in accordance with the erosion control requirements of Section E. No construction or land disturbance whatsoever will be permitted within the Waterfront Buffer, except as provided in Section C.4., D.2. and F. below. Unless special construction practices ensure that no land disturbance will occur in the Waterfront Buffer as a result of construction activities, all structures must be set back a minimum of 10 feet from the Waterfront Buffer to accommodate land disturbance resulting from such activities.
3. Sub-surface sewage disposal facilities provided that they shall be set back in accordance with state requirements.
4. A permanent pathway, stairway or walkway with a maximum width of six (6) feet within the Waterfront Buffer provided it is configured in a manner that will not concentrate stormwater runoff or contribute to erosion and is constructed with adequate soil erosion control measures as outlined in Section E below.
5. Replenishment of existing Beaches as provided in D.2. below.
6. Retaining walls within the Waterfront Buffer, as permitted in Section F.2.c (5)below.

D. General Provisions:

1. The traveled portion of a road shall be set back beyond the Waterfront Buffer except for bridges and bridge approaches and access ways for firefighting equipment and boat launching. All new roads shall be constructed in accordance with an Erosion and Sediment Control Plan approved by the Planning Board as part of the final Subdivision application and approval.
2. Construction of a new Beach or expansion of an existing Beach is not permitted. Replenishment of an existing Beach is permitted only under the following conditions:
 - a. No more than 6 cubic yards of replenishment material is permitted to be added in any 6 year period; and
 - b. Review and comment by the New London Conservation Commission; and
 - c. A permit is obtained from the NH Department of Environmental Services (NHDES).
3. Lots within the Shore Land Overlay District shall not be used as common areas for Waterfront Access or for the purpose of granting deeded rights of access to residents of multiple units and/or other properties, regardless of the location of such properties. For the purpose of this section, the term "common area" shall mean an area used by a group of 3 or more unrelated persons or by an association, partnership, other joint ownership entity, club or organization consisting of 3 or more members.

4. Rights to gain access to a water body by or through a shore land lot shall not be created or attached to any real estate. Waterfront Access shall be gained only in accordance with the standards set forth below.
5. As an additional means to implement the purposes of this Article as articulated in Section A., this section authorizes the Planning Board to require environmentally sound measures governing the development of a tract of land, including, but not limited to, cutting restrictions, the proper design, layout and location of building envelopes, the appropriate siting of structures and improvements, and erosion control procedures for new Lots located in the Shore Land Overlay District through the Subdivision process.
6. Each Dwelling Unit with direct water access and whose Shore Frontage is part of the lot dimension shall have a minimum Shore Frontage of 200 feet.
7. In the case of any existing Use of a common area for Waterfront Access, the Use of such common area for business or commercial purposes shall not be permitted.

E. Stormwater & Erosion Control for Construction:

1. All new Structures, modifications to existing Structures and excavation or earth moving within the Shore Land Overlay District shall be designed and constructed in accordance with the Stormwater & Erosion Control Design Standards contained in the New London Land Subdivision Control Regulations and in compliance with all rules adopted by the New Hampshire Department of Environmental Services for terrain alteration under RSA 485-A:17 to manage stormwater, control erosion and sediment, during and after construction. The design of stormwater management systems shall ensure that the post-development total runoff volume does not exceed the pre-development total runoff volume consistent the New London Land Subdivision Control Regulations.
2. New Structures and all modifications to existing Structures within the protected Shore Land Overlay District shall be designed and constructed to prevent the release of surface runoff across exposed mineral surfaces.
3. Erosion and sedimentation control plans shall describe the nature and purpose of the land disturbing activity; the amount of grading involved; and a description of the soils, topography, vegetation, and drainage at the site; and a complete site plan illustrating erosion control devices, stormwater management structures and other measures intended to manage stormwater and erosion during and after construction. For minor land disturbances such as stairway and pathway construction, the Board of Selectmen may reduce the amount of detail needed in an erosion control plan. The Board of Selectmen shall review and decide to approve or deny all plans before issuing a Building permit, and may require the applicant to post a bond or other security to assure conformance with approved plans. The security shall not be released until the Board of Selectmen has certified

completion of the required improvements in accordance with the plan. The Board of Selectmen may request the Conservation Commission to review the plan and make recommendations.

4. Erosion and sedimentation control plans shall be developed in conformity with the guidelines of the U.S.D.A. Natural Resources Conservation Service (NRCS) and with guidelines of the N.H. Department of Environmental Services under RSA 485-A:17. Erosion control measures shall be installed and subsequently inspected by the Board of Selectmen or its designee, as described in ARTICLE XXVII Enforcement of this Ordinance, before construction and grading begin.

F. Waterfront Buffer:

1. The Waterfront Buffer shall be the protected Shore Land within 50 feet of the Reference Line. The purpose of this buffer shall be to protect the quality of public waters while allowing the property owner discretion with regard to water access, safety, viewscape maintenance, and lot design.
2. Within the Waterfront Buffer all of the following prohibitions and limitations shall apply:
 - a. No chemicals, including pesticides of any kind or fertilizers, except limestone, shall be applied.
 - b. Rocks and stumps and their root systems shall be left intact in the ground, unless the vegetation, stumps or root system are determined by a certified arborist to be diseased, in which case the diseased materials shall be removed, including digging the stump out of the ground.

No natural ground cover shall be removed except as necessary to accomplish uses permitted in Section C above or to plant native trees, saplings or shrubs. Pruning of shrubs and ground cover down to a height of 3 feet is permitted.

- c. Starting from the northerly or easterly boundary of the property, and working along the shoreline, the Waterfront Buffer shall be divided into 50 by 50 foot segments. Within each segment a minimum combined tree and sapling score of at least 50 points shall be maintained. If for any reason there is insufficient area for a full segment, the number of points required to be maintained in that partial segment shall be proportional to that required for a full segment.
 1. Tree and sapling diameters shall be measured at 4½ feet above ground and are scored as follows:

Diameter Score

- 1 inch to 6 inches: 1 point
- Greater than 6 inches to 12 inches: 5 points
- Greater than 12 inches: 10 points

2. Dead, diseased, or unsafe trees or saplings shall be included in scoring. If cutting dead, diseased or unsafe trees or saplings produces a segment of less than fifty points, that segment shall be replanted in sufficient quantity to equal or exceed the score that existed prior to the cutting. Shrubs and groundcover may be included in replanting and shall be scored as follows:
 - Four contiguous square feet of shrub area: 1 point
 - 50 contiguous square feet of groundcover 1 pointShrubs and groundcover, which do not include lawn, may be included in the replanting and shall be scored up to a maximum 50% of any full segment. Shrubs and groundcover may not be used except when replacing dead, diseased or unsafe trees.
3. If the total tree and sapling score in any 50 by 50 foot segment exceeds 50 points, then the Planning Board may authorize the cutting of trees and saplings as long as the score for the remaining trees and saplings in that segment does not total less than 50 points. The remaining scores in partial segments shall be treated proportionally.
4. The Planning Board or its designee may authorize the cutting of trees and saplings on a segment of a property having less than the required minimum score of 50 points, as long as trees and saplings are replanted in sufficient quantity to equal or exceed the score that existed prior to the cutting activity. The Planning Board or its designee shall not approve a cutting application that results in less than the required minimum score of 50 points or less than the score that existed prior to the application being filed.
5. Owners of lots that were legally developed prior to the adoption of this regulation may maintain but not enlarge cleared areas, including but not limited to existing lawns and beaches, within the Waterfront Buffer. Conversion or planting of cleared areas with native trees, saplings, shrubs and ground cover is encouraged but shall not be required unless it is necessary to meet the requirements of Section H. below. When necessary due to steep topography, retaining walls may be permitted to be installed as part of an overall plan to revegetate the Waterfront Buffer area. New terraces formed by the retaining walls within the Waterfront Buffer must be replanted with natural vegetation consisting of indigenous species of bushes, shrubs and trees. These terraces may not be used to create new grass lawns or to create more impervious surfaces such as stone patios and decks.

Construction of retaining walls within the Waterfront Buffer which would require the removal of existing natural vegetative cover is not permitted unless it can be demonstrated through an erosion and sediment control plan that such retaining wall construction is essential for erosion control purposes. Construction of new lawns within Waterfront Buffer is not permitted.

6. Normal trimming, pruning, and thinning of branches to the extent necessary to protect Structures, maintain clearances and provide views is permitted. Trimming, pruning, and thinning of branches for the purpose of providing views shall be limited to the bottom half of the trees and saplings.
7. When necessary for the completion of uses permitted in accordance with Section C. 1, 4, 5 & 6 above, and this section, a temporary 12 foot wide access path may be permitted, subject to approval by the Planning Board. The access path shall be completely restored and replanted with native species of trees, saplings, shrubs and ground cover upon completion of construction. In addition, trenching less than 2 feet in depth for the installation of utilities servicing docks and boathouses permitted under Section C. above, may be permitted, subject to Planning Board approval and compliance with Section E above.

G. Natural Woodland Buffer:

1. A Natural Woodland Buffer shall be maintained within 150 feet of the Reference Line. The first 50 feet of this buffer is designated the Waterfront Buffer and is subject to the additional requirements of Section F, above. The purpose of the Natural Woodland Buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintain a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the Shore Land Overlay District.
2. For lots where one-half acre or less of land is contained within the Natural Woodland Buffer, the vegetation within at least 25% of the area outside the Waterfront Buffer, exclusive of Impervious Surfaces, shall be maintained in an unaltered state. The percentage of area maintained in an unaltered state on legal non-conforming lots shall not be decreased.
3. For lots where greater than one-half acre of land is contained within the Natural Woodland Buffer, the vegetation within at least 50% of the area outside the Waterfront Buffer, exclusive of Impervious Surfaces, shall be maintained in an unaltered state. The percentage of area maintained in an unaltered state on legal non-conforming lots shall not be decreased.

H. Impervious Surfaces:

1. No more than 20% of the area of the portion of a lot located within the Shore Land Overlay District shall be composed of Impervious Surfaces, except as provided in paragraphs 2 and 3, below.
2. The Impervious Surface area of the portion of any lot located within the Shore Land Overlay District may exceed 20%, up to a maximum of 30%, provided a storm water management system is designed consistent with Section E above, approved by the Planning Board, and implemented and maintained to ensure that post-development total runoff volume shall not exceed the pre-development total runoff volume. The total Impervious Surface area of the portion of any lot located within the Shore Land Overlay District shall not exceed 30%.
3. Property owners and developers are encouraged to seek creative solutions that utilize Low Impact Development techniques, such as those described in the New London Land Subdivision Control Regulations.

- I. Overlapping Regulations: In all cases where the Shore Land Overlay District is superimposed over another Zone District in the Town of New London, that district whose regulations are more restrictive shall apply. Furthermore, where any provision of this district differs from those of other ordinances or regulations of the Town or State, then that provision or ruling which imposes the greater restriction or higher standard shall govern.

NEW LONDON PLANNING BOARD
PROPOSED ZONING AMENDMENT
2016
AMENDMENT #2

**AS PROPOSED WITH ALL CHANGES – SEE LANGUAGE IN AMENDMENTS #1, 2 AND 3
LEGAL NONCONFORMING USES, LEGAL NON-CONFORMING
BUILDINGS AND STRUCTURES, AND LEGAL NON-CONFORMING LOTS**

- A. Legal Nonconforming Uses: Any Legal Nonconforming Use may be continued indefinitely subject to the following limitations:
1. Resumption after Discontinuance: When a Legal Nonconforming Use of land, Structures or Buildings has been discontinued for one year, then the land, Structures and Buildings shall be used thereafter only in conformity with this Ordinance.
 2. Change or Expansion: Any Legal Nonconforming Use shall not be changed to another Nonconforming Use. Any Legal Nonconforming Use shall not be expanded.
 3. Superseded by a Conforming Use: If a Legal Nonconforming Use is superseded by a conforming Use, then it shall thereafter conform to the Use regulations of this Ordinance, and the Nonconforming Use may not thereafter be resumed.
 4. Restoration, Reconstruction and/or Replacement of Buildings containing a Legal Nonconforming Use: Nothing herein shall prevent the restoration, reconstruction and/or replacement within 3 years of a Building containing a Legal Nonconforming Use destroyed in whole or in part by fire or other natural disaster so long as this Use does not result in a new or expanded Nonconforming Use.
- B. Legal Nonconforming Buildings and Structures: Any Legal Nonconforming Building or Structure may be continued indefinitely and may be altered, expanded, restored, reconstructed and/or replaced subject to the following limitations:

Any Nonconforming Building or Structure located entirely or partly within the Waterfront Buffer of all lakes and ponds over 10 acres in size may be continued indefinitely, Altered and/or expanded provided it complies with the following applicable provisions:

1. If the Nonconforming Building or Structure is located entirely within the Waterfront Buffer, then alteration or repair of the Building or Structure is governed by the following:
 - a. Alteration or repair of the Building or Structure is only permitted within the existing footprint and outside dimensions, consistent with the provisions of Article XX, Section B, 3, provided the result is a functionally equivalent use. No footprint change or vertical expansion of the existing structure shall be allowed. Any expansion that increases the sewerage load to an on-site septic system, or changes or expands the use of a septic system shall require approval by the NH Department of Environmental Services.
 - b. Existing decks and porches located entirely within the Waterfront Buffer may not be covered, enclosed or expanded upward or outward beyond the footprint of the

existing deck or porch.

- c. Improvements may include a new foundation, provided that all of the following conditions are met:
 - (1) The new foundation shall be constructed from a vantage point entirely outside the Waterfront Buffer, or from within the structure itself, in a manner that does not disturb any part of the Waterfront Buffer beyond the footprint of the existing building.
 - (2) No living space or basement area is added as a result of the new foundation.
 - (3) No change in the footprint (drip line) of the structure (within the Waterfront Buffer) will result from the new foundation.
2. If the Nonconforming Building or Structure straddles the Waterfront Buffer, then alteration or expansion of the Building or Structure is governed by the following:
 - a. Alteration or expansion of that portion of the Building or Structure located within the Waterfront Buffer is governed by the provisions outlined in section B.1., above.
 - b. Alteration or expansion of that portion of the Building or Structure located beyond the first 50 feet inland from the Reference Line level is governed by the following:
 - (1) Alteration or expansion is permitted upward, and outward to the side or rear of the Structure away from the lake.
 - (2) Existing, covered porches located beyond the Waterfront Buffer may be enclosed and converted to habitable space and may be expanded upward beyond the footprint of the existing porch.
 - (3) Existing decks located beyond the Waterfront Buffer may be expanded, covered, enclosed and/or converted to habitable space.
3. Building Height: Nonconforming Structures located within the Waterfront Buffer in the Shore Land Overlay District shall not exceed 25 feet in Height above Grade.
4. Alterations and Expansions of all other Legal Nonconforming Buildings and Structures: Any Other Legal Nonconforming Building may be Altered or expanded provided, however, that such alteration or expansion does not make any existing Legal Nonconforming Building a more Nonconforming Building within the terms of this Ordinance and provided that all other standards of this Ordinance are met. For example, if an existing Structure does not comply with the Front Yard setback requirement, then this Structure could not be expanded to result in a Structure with less Front Yard setback unless a Variance was approved by the Zoning Board of Adjustment. However, the Structure could be expanded upward or to the side along the existing Nonconforming setback provided that the expanded Structure complies with all other standards of this Ordinance.

If the expansion constitutes a Substantial Improvement, then the resulting Structure is permitted only if it complies with all of the standards of this Ordinance including the aspect that makes the existing Legal Nonconforming Building or Structure Nonconforming.

5. Substantial Improvement, Restoration, Reconstruction and/or Replacement of Legal Nonconforming Buildings or Structures:

a. Legal Nonconforming Building or Structure destroyed by Fire or Other Natural Disaster: Nothing herein shall prevent the restoration, reconstruction and/or replacement within 3 years of a Legal Nonconforming Building or Structure destroyed in whole or in part by fire or other natural disaster so long as the new Structure is a functionally equivalent use (with regard to number of Bedrooms and Dwelling Units), does not result in a Substantial Improvement (when compared to the original structure), and does not result in a more Nonconforming Building than was originally at the site.

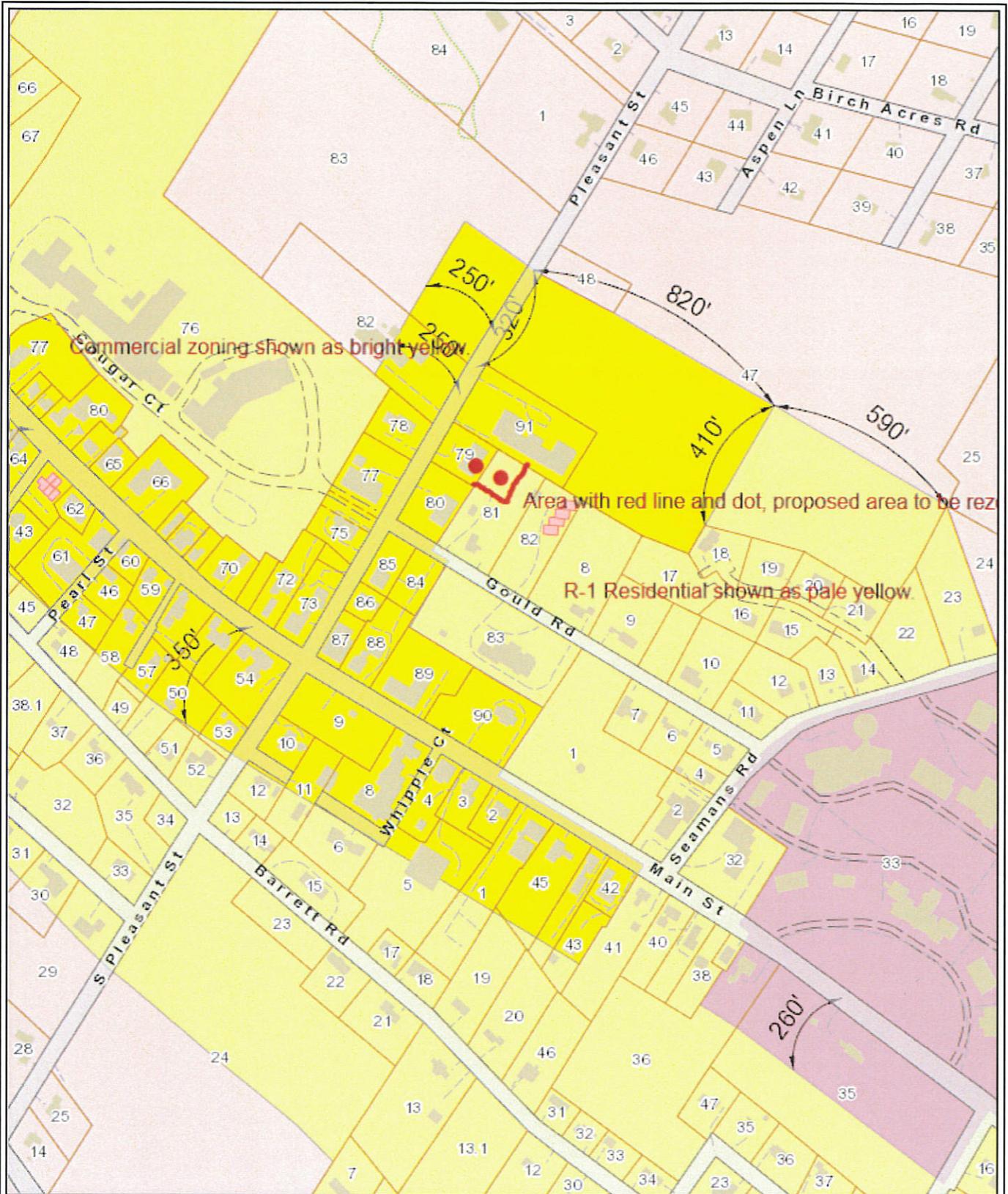
b. Voluntary Replacement or Substantial Improvement of a Legal Nonconforming Building or Structure:

1. For use with ARTICLE XV Floodplain Overlay District: The Substantial Improvement or voluntary replacement of a Legal Nonconforming Building or Structure within the boundaries of the 100-Year Floodplain is permitted only if it complies with all of the standards of this Ordinance including the aspect that makes the existing Building or Structure Nonconforming. This section does not include Building Maintenance within the types of work that comprise Substantial Improvement.

2. For use with all remaining ARTICLES of the Zoning Ordinance: The voluntary replacement or relocation of a Legal Nonconforming Building or Structure, or Alterations to a Legal Nonconforming Building or Structure that result in a 50% increase in the square footage of useable floor area (including decks, porches, basements, garages and attics, in addition to finished floor area) of that Structure is permitted only if it complies with all of the standards of this Ordinance including the aspect that makes the existing Building or Structure Nonconforming. For the purposes of this Section, additions to the square footage of floor area of any Structure shall be cumulative beginning with first improvement following the date of the adoption of this amendment.

C. Legal Nonconforming Lots:

1. All Legal Nonconforming Lots: Any Lot with less area or frontage than required which is lawfully established, recorded and taxed as a Lot of Record before the enactment or amendment of this Ordinance, shall be deemed a conforming Lot.



Petition Zoning Amendment 2016 - Proposed Zoning District change from R1 to Commercial Zoning

Tri Town, NH

1 Inch = 400 Feet



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.

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RECEIVED

PETITIONED ZONING AMENDMENT

NOV 20 2015

November 13, 2015

TOWN OF NEW LONDON
LH

The Stahlman Office Building at 74 Pleasant Street, built in 1987 with (23) parking spaces and zoned commercial, has 7,700 SF rented to individual tenants.

Additional parking spaces are required to accommodate what has been as high as (50) tenant employees. The additional parking spaces that were rented for (20) years are no longer available, so the owner, Robert L. Stahlman, has had to buy .26 acres behind the office building and add (22) additional parking spaces. The existing lot is .74 acres, zoned commercial, and the new lot is .26 acres, zoned residential. The entire lot of 1.0 acres is a split-zone parcel. We request that the rear portion, zoned residential, be re-zoned to commercial. This petition requires (25) New London signatures to permit a submittal for a voting approval to change the .26 acre portion from "residential zoning" to a "commercial zoning" at the March, 2016 New London Town Meeting.

SIGNATURE	PRINTED NAME	ADDRESS
✓ <u><i>Tom Wallace</i></u>	<u>THOMAS C WALLACE</u>	<u>606 WILMOT CTR RD</u>
✓ <u><i>Sue A. Jaggard</i></u>	<u>Sue A. Jaggard</u>	<u>1113 Main St.</u>
✓ <u><i>Nancy Wallace</i></u>	<u>Nancy Wallace</u>	<u>75 Spence Lane</u>
✓ <u><i>Ronald M Collins</i></u>	<u>RONALD M COLLINS</u>	<u>606 WILMOT CENTER RD</u>
✓ <u><i>Thomas W. DeMille</i></u>	<u>THOMAS W. DEMILLE</u>	<u>668 MAIN ST.</u>
✓ <u><i>W. Barry Wright</i></u>	<u>W. BARRY WRIGHT</u>	<u>360 WHITNEY BROOK RD</u>
✓ <u><i>JS Cook, Jr</i></u>	<u>JS COOK, JR</u>	<u>113 QUARRY RD</u>
✓ <u><i>John Hughes</i></u>	<u>John Hughes</u>	<u>63 White Pine Ln</u>
✓ <u><i>Todd C Perkins</i></u>	<u>TODD C PERKINS</u>	<u>253 WOODLAND TRACE</u>

11/20/2015

46 SIGNATURES SUBMITTED
44 SIGNATURES VERIFIED
A TOWN OF NEW LONDON VOTERS.
Madam. Hardy

RECEIVED

PETITIONED ZONING AMENDMENT

NOV 20 2015

November 13, 2015

TOWN OF NEW LONDON
NH

The Stahlman Office Building at 74 Pleasant Street, built in 1987 with (23) parking spaces and zoned commercial, has 7,700 SF rented to individual tenants. Additional parking spaces are required to accommodate what has been as high as (50) tenant employees. The additional parking spaces that were rented for (20) years are no longer available, so the owner, Robert L. Stahlman, has had to buy .26 acres behind the office building and add (22) additional parking spaces. The existing lot is .74 acres, zoned commercial, and the new lot is .26 acres, zoned residential. The entire lot of 1.0 acres is a split-zone parcel. We request that the rear portion, zoned residential, be re-zoned to commercial. This petition requires (25) New London signatures to permit a submittal for a voting approval to change the .26 acre portion from "residential zoning" to a "commercial zoning" at the March, 2016 New London Town Meeting.

SIGNATURE	PRINTED NAME	ADDRESS
✓ <u>[Signature]</u>	<u>DEBORAH D CROSS</u>	<u>928 Main St NL</u>
X <u>[Signature]</u>	<u>Kristin Angel</u>	<u>41 Main St. NL</u>
✓ <u>[Signature]</u>	<u>John McKenna</u>	<u>168 Littleton Rd NH</u>
✓ <u>[Signature]</u>	<u>PAUL BIDWELL</u>	<u>1252 COUNTY RD NL, NH</u>
✓ <u>[Signature]</u>	<u>DOUGLASE MICHAEL</u>	<u>379 Columbus Ave New London NH 03257</u>
✓ <u>[Signature]</u>	<u>BARBARA KRISTL</u>	<u>35 HAYES RD. NEW LONDON</u>
✓ <u>[Signature]</u>	<u>Bill Green</u>	<u>137 Borpee Hill Rd</u>
✓ <u>[Signature]</u>	<u>Rich Stokwell</u>	<u>69 Sparrowhawk</u>
✓ <u>[Signature]</u>	<u>Maicie Stokwell</u>	<u>" "</u>

RECEIVED

NOV 20 2015

PETITIONED ZONING AMENDMENT

November 13, 2015

TOWN OF NEW LONDON
LH

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SIGNATURE	PRINTED NAME	ADDRESS
✓ <u>W Chadwick</u>	<u>W. Chadwick</u>	<u>114 MAIN ST. N.L.</u>
✓ <u>N Walker</u>	<u>N. Walker</u>	<u>1167 County Road</u>
✓ <u>Bruce W. Pfaend</u>	<u>Bruce W. Pfaend</u>	<u>686 SEAMANS RD</u>
✓ <u>Kathy Pfaend</u>	<u>KATHY Pfaend</u>	<u>686 SEAMANS RD</u>
✓ <u>Schadwick</u>	<u>Schadwick</u>	<u>114 MAIN ST NL</u>
✓ <u>Jenn Gaede</u>	<u>Jenn Gaede</u>	<u>229 Pine Hill Rd.</u>
✓ <u>Gregory Potter</u>	<u>GREGORY POTTER</u>	<u>23 ASPEN LN NL.</u>
✓ <u>Linda Potter</u>	<u>LINDA POTTER</u>	<u>23 ASPEN LN NL</u>
✓ <u>Richard Cross</u>	<u>Richard Cross</u>	<u>928 Main St.</u>

RECEIVED

PETITIONED ZONING AMENDMENT

NOV 20 2015

November 13, 2015

TOWN OF NEW LONDON

The Stahlman Office Building at 74 Pleasant Street, built in 1987 with (23) parking spaces and zoned commercial, has 7,700 SF rented to individual tenants.

Additional parking spaces are required to accommodate what has been as high as (50) tenant employees. The additional parking spaces that were rented for (20) years are no longer available, so the owner, Robert L. Stahlman, has had to buy .26 acres behind the office building and add (22) additional parking spaces. The existing lot is .74 acres, zoned commercial, and the new lot is .26 acres, zoned residential. The entire lot of 1.0 acres is a split-zone parcel. We request that the rear portion, zoned residential, be re-zoned to commercial. This petition requires (25) New London signatures to permit a submittal for a voting approval to change the .26 acre portion from "residential zoning" to a "commercial zoning" at the March, 2016 New London Town Meeting.

SIGNATURE

PRINTED NAME

ADDRESS

✓ [Signature] Jen Nurne 325 Brookside NL, NH

✓ [Signature] Sara Scheuch 192 Andover Rd, NL

✓ [Signature] Karin Johnson 11 Jenny Lane NL NH

✓ [Signature] JON NELSON 112 Parkside Rd. NL

✓ [Signature] PAUL J. DIEKMANN 24 Sawyer Ln NL.

✓ [Signature] Sid Diekmann 24 Sawyer Ln NL.

[Signature] **COURTLAND J. CROSS** 316 Rte 103A N Andover

RECEIVED

NOV 20 2015

TOWN OF NEW LONDON
LH

PETITIONED ZONING AMENDMENT

November 13, 2015

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SIGNATURE

PRINTED NAME

ADDRESS

SIGNATURE	PRINTED NAME	ADDRESS
<u>✓ Margaret A. Potter</u>	<u>MARGARET G POTTER</u>	<u>332 PARKSIDERD #15</u>
<u>✓ Priscilla Rondinone</u>	<u>Priscilla Rondinone</u>	<u>3-Sawyer Lane</u>
<u>✓ Chris Hansew</u>	<u>CHRIS HANSEW</u>	<u>256 WHITNEY BROOK RD</u>
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NEW LONDON PLANNING BOARD
CURRENT 2015 ZONING PROVISIONS
Pages 63-70

ARTICLE XVI
SHORE LAND OVERLAY DISTRICT

- A. Authority and Purpose: All lakes are essentially fragile. In order to protect the lakes, actual Use of lake side Lots is being limited through the establishment of a Shore Land Overlay District.

Most of the land immediately adjacent to New Hampshire's lakes, ponds and rivers is overlaid by soil types characterized by above average erosion and drainage hazards. These lands require conservation and land management practices which minimize environmental and aesthetic degradation.

The Town of New London hereby adopts this Shore Land Overlay District and accompanying regulations in order to:

1. Protect, maintain and enhance the water quality of the lakes;
2. Conserve and protect aquatic and terrestrial habitat associated with lake areas;
3. Preserve and enhance those recreational and aesthetic values associated with the natural shore land and lake environment;
4. Encourage those Uses that can be appropriately located adjacent to shorelines; and
5. Protect and promote public health, resource conservation, and the general welfare.

This Ordinance is authorized by RSA 674:21, I(j), Innovative Land Use Controls, Environmental Characteristics Zoning.

- B. Shore Land Overlay District Boundaries: The Shore Land Overlay District extends to a line 250 feet inland from the Reference Line on all of the following lakes and ponds: Clark Pond, Goose Hole Pond, Little Lake Sunapee, Lake Sunapee, Messer Pond, Murray Pond, Otter Pond and Pleasant Lake.
- C. Permitted Uses: The following Uses are permitted provided that they shall be conducted according to applicable provisions:
1. Docks and existing boathouses are permitted subject to the following restrictions.
 1. a. New dock construction and existing dock maintenance or replacement are permitted subject to required state permits, standards, and regulations. The attachment of the dock to the shoreland shall be the least impacting alternative as permitted by the State. (Amended May 2014)
 1. b. Maintenance or replacement of existing boathouses which will not increase the use, size or footprint of the structure is permitted subject to required state permits, standards, and regulations. Construction of new boathouses is not permitted. (Amended May 2014)
 2. Single Family Residence and accessory Structures and Uses provided that all Buildings and Structures shall be set back a minimum of 50 feet from the Reference Line and

constructed in accordance with the erosion control requirements of Section F. No construction or land disturbance whatsoever will be permitted within the Waterfront Buffer, except as provided in Section C.4., D.2. and G. below. Unless special construction practices ensure that no land disturbance will occur in the Waterfront Buffer as a result construction activities, all Structures must be set back a minimum of 10 feet from the Waterfront Buffer to accommodate land disturbance resulting from such activities.

3. Sub-surface sewage disposal facilities provided that they shall be set back in accordance with state requirements.
4. A permanent pathway, stairway or walkway with a maximum width of six (6) feet is permitted within the Waterfront Buffer provided it is configured in a manner that will not concentrate stormwater runoff or contribute to erosion and is constructed with adequate soil erosion control measures as outlined in Section F below.
5. Replenishment of existing Beaches as provided in D.2. below.
6. Retaining walls within the Waterfront Buffer, as permitted in Section G.2.d(5) below.

D. General Provisions:

1. The traveled portion of a road shall be set back beyond the Waterfront Buffer except for bridges and bridge approaches and access ways for firefighting equipment and boat launching. All new roads shall be constructed in accordance with an Erosion and Sediment Control Plan approved by the Planning Board as part of the final Subdivision application and approval.
2. Construction of a new Beach or expansion of an existing Beach is not permitted. Replenishment of an existing Beach is permitted only under the following conditions:
 - a. No more than 6 cubic yards of replenishment material is permitted to be added in any 6 year period; and
 - b. Approval is obtained from the NH Department of Environmental Services for a Minimum Impact Expedited Wetlands Permit Application after review and comment by the New London Conservation Commission.
3. Lots within the Shore Land Overlay District shall not be used as common areas for Waterfront Access or for the purpose of granting deeded rights or access to residents of multiple units and/or non-waterfront properties, regardless of the location of such properties, except as provided herein and subject to Planning Board approval. For the purpose of this section, the term "common area" shall mean an area used by a group of 3 or more unrelated persons or by an association, club or organization consisting of 3 or more members.
4. Rights to gain access to a water body by or through a shore land Lot shall not be created or attached to any real estate. Waterfront Access shall be gained only in accordance with the standards set forth below and subject to Planning Board approval.
5. As an additional means to implement the purposes of this Article as articulated in Paragraph A., this section authorizes the Planning Board to adopt regulations which require

environmentally sound measures governing the Development of a tract of land, including, but not limited to, cutting restrictions, the proper design, layout and location of Building Envelopes, the appropriate siting of Structures and improvements, and erosion control procedures for new Lots located in the Shore Land Overlay District through the Subdivision process.

E. Specific Provisions for Residential Development with Waterfront Access: All residential Development with Shore Frontage or rights of access to Shore Frontage shall meet the following minimum requirements:

1. Each Dwelling Unit with direct water access and whose Shore Frontage is part of the Lot dimension shall have a minimum Shore Frontage of 200 feet.
2. Lots within the Shore Land Overlay District used as common waterfront areas or for the purpose of Waterfront Access shall meet the following minimum criteria:
 - a. The shore front common area shall contain a minimum of two acres.
 - b. The shore front common area shall have a minimum of 200 feet of Shore Frontage for the first Dwelling Unit or member having a right of Use, and an additional 50 feet of Shore Frontage for each additional Dwelling Unit or member.
 - c. No Building shall be permitted other than toilet and changing facilities.
 - d. No more than 25 percent of the total Shore Frontage may be dedicated to docks or other Structures designed to accommodate boating. All docks require a permit from the New Hampshire Department of Environmental Services (NHDES). Applications for dock permits shall be reviewed by the Conservation Commission. In making its recommendations to the NHDES and the Planning Board, the Conservation Commission shall consider the size and depth of the water area, the total Shore Frontage proposed for the common area, boat traffic already existing in the area, impact on neighboring property owners, protection of water quality, wildlife habitat, and public safety.
 - e. One off-street parking space (300 square feet) shall be provided for each Dwelling Unit situated more than 1/4 mile from the shore front common area. Parking areas shall be set back a minimum of 75 feet from the Reference Line. A buffer of natural vegetation shall be maintained between the beach and/or docking area and the parking area to screen the parking area from the lake and to enhance erosion control. The buffer may include facilities permitted within the shore front area.
 - f. Toilet facilities, approved by the New Hampshire Department of Environmental Services, shall be provided.
3. Any Use of a common area or area of access for business or commercial purposes shall not be permitted.

F. Stormwater & Erosion Control for Construction:

1. All new Structures, modifications to existing Structures, and excavation or earth moving within the Shore Land Overlay District shall be designed and constructed in accordance

with the Stormwater & Erosion Control Design Standards contained in the New London Land Subdivision Control Regulations, dated October 23, 2007, as amended, and in compliance with all rules adopted by the New Hampshire Department of Environmental Services under RSA 541-A for terrain alteration under RSA 485-A:17 to manage Stormwater, control erosion and sediment, during and after construction. The design of Stormwater management systems shall ensure that the post-development total runoff volume does not exceed the pre-development total runoff volume consistent with Section VI.L.2 of the New London Land Subdivision Control Regulations, revised October 22, 2007.

2. New structures and all modifications to existing structures within the protected Shore Land Overlay District shall be designed and constructed to prevent the release of surface runoff across exposed mineral surfaces.
3. Erosion and sedimentation control plans shall describe the nature and purpose of the land disturbing activity; the amount of grading involved; and a description of the soils, topography, vegetation, and drainage at the site; and a complete site plan illustrating erosion control devices, stormwater management structures and other measures intended to manage stormwater and erosion during and after construction. For minor land disturbances such as stairway and pathway construction, the Board of Selectmen may reduce the amount of detail needed in an erosion control plan. The Board of Selectmen shall review and decide to approve or deny all plans before issuing a Building permit, and may require the applicant to post a bond or other security to assure conformance with approved plans. The security shall not be released until the Board of Selectmen has certified completion of the required improvements in accordance with the plan. The Board of Selectmen may request the Conservation Commission to review the plan and make recommendations.
4. Erosion and sedimentation control plans shall be developed in conformity with guidelines of the U.S.D.A. Soil Conservation Service and with guidelines of the N.H. Department of Environmental Services under RSA 485-A:17. Erosion control measures shall be installed and inspected by the Board of Selectmen or its designee, as described in ARTICLE XXVII Enforcement of this Ordinance, before construction and grading begin.

G. Waterfront Buffer:

1. The Waterfront Buffer shall the protected Shore Land within 50 feet of the Reference Line. The purpose of this buffer shall be to protect the quality of public waters while allowing the property owner discretion with regard to water access, safety, viewscape maintenance, and lot design.
2. Within the Waterfront Buffer all of the following prohibitions and limitations shall apply:
 - a. No chemicals, including pesticides of any kind or fertilizers, except limestone, shall be applied.
 - b. Rocks and stumps and their root systems shall be left intact in the ground.

No natural ground cover shall be removed except as necessary to accomplish uses permitted in Section C above or to plant native trees, saplings or shrubs. Pruning of shrubs and ground cover down to a height of 3 feet is permitted.

- c. Starting from the northerly or easterly boundary of the property, and working along the shoreline, the Waterfront Buffer shall be divided into 50 by 50 foot segments. Within each segment a minimum combined tree and sapling score of at least 50 points shall be maintained. If for any reason there is insufficient area for a full segment, the number of points required to be maintained in that partial segment shall be proportioned to that required for a full segment.
- (1) Tree and sapling diameters shall be measured at 4½ feet above ground and are scored as follows:

Diameter Score
 - 1 inch to 6 inches: 1 point
 - Greater than 6 inches to 12 inches: 5 points
 - Greater than 12 inches: 10 points
 - (2) Dead, diseased, or unsafe trees or saplings (as determined by the Planning Board) shall not be included in scoring.
 - (3) If the total tree and sapling score in any 50 by 50 foot segment exceeds 50 points, then the Planning Board may authorize the removal of trees, saplings and shrubs as long as the score for the remaining trees, saplings and shrubs in that segment does not total less than 50 points. The remaining scores in partial segments shall be treated similarly.
 - (4) The Planning Board may authorize the removal of trees and saplings on a segment of a property having less than the required minimum score of 50 points, as long as trees, saplings and shrubs are replanted in sufficient quantity to equal or exceed the score that existed prior to the removal activity. The Planning Board shall not approve a cutting request that results in less than the required minimum score of 50 points or less than the score that existed prior to the request being filed.
 - (5) Owners of Lots that were legally developed prior to the adoption of this regulation may maintain but not enlarge cleared areas, including but not limited to existing lawns and beaches, within the Waterfront Buffer. Conversion or planting of cleared areas with native trees, saplings, shrubs and ground cover is encouraged but shall not be required unless it is necessary to meet the requirements of Section I. below. When necessary due to steep topography, retaining walls may be permitted to be installed as part of an overall plan to revegetate the Waterfront Buffer area. New terraces formed by the retaining walls within the Waterfront Buffer must be replanted with natural vegetation consisting of indigenous species of bushes, shrubs and trees. These terraces may not be used to create new grass lawns or to create more impervious surfaces such as stone patios and decks. Construction of retaining walls within the Waterfront Buffer which would require the removal of existing natural vegetative cover is not permitted unless it can be demonstrated through an erosion and sediment control plan that such retaining wall construction is essential for erosion control purposes. Construction of new lawns within Waterfront Buffer is not permitted.

- (6) Normal trimming, pruning, and thinning of branches to the extent necessary to protect structures, maintain clearances and provide views is permitted. Trimming, pruning, and thinning of branches for the purpose of providing views shall be limited to the bottom half of the trees and saplings.
- (7) When necessary for the completion of uses permitted in accordance with Section C. 1, 4, 5 & 6 above, and this section, a temporary 12 foot wide access path may be permitted, subject to approval by the Planning Board. The access path shall be completely restored and replanted with native species of trees, saplings, shrubs and ground cover upon completion of construction. In addition trenching less than 2 feet in depth for the installation of utilities servicing docks and boathouses permitted under Section C. above, may be permitted, subject to Planning Board approval and compliance with Section F above.

H. Natural Woodland Buffer:

1. A Natural Woodland Buffer shall be maintained within 150 feet of the Reference Line. The first 50 feet of this buffer is designated the Waterfront Buffer and is subject to the additional requirements of Section G, above. The purpose of the Natural Woodland Buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintain a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the Shore Land Overlay District.
2. For lots with one-half acre or less of land within the Natural Woodland Buffer, the vegetation within at least 25% of the area outside the Waterfront Buffer shall be maintained in an unaltered state. The percentage of area maintained in an unaltered state on legal non-conforming lots shall not be decreased.
3. For lots with greater than one-half acre of land within the Natural Woodland Buffer, the vegetation within at least 50% of the area outside the Waterfront Buffer, exclusive of Impervious Surfaces, shall be maintained in an unaltered state. The percentage of area maintained in an unaltered state on legal non-conforming lots shall not be decreased.
4. Dead, diseased, or unsafe trees, saplings, or shrubs located beyond the Waterfront Buffer that pose an imminent hazard to structures or have the potential to cause personal injury may be removed by the property owner without Planning Board approval, provided such removal does not contravene the intent of this provision. Preservation of dead and living trees that provide den and nesting habitat for wildlife are encouraged.

I. Impervious Surfaces:

1. No more than 20% of the area of the portion of a lot located within the Shore Land Overlay District shall be composed of Impervious Surfaces, except as provided in paragraphs 2 and 3, below.

2. The Impervious Surface area of the portion of any lot located within the Shore Land Overlay District may exceed 20%, up to a maximum of 30%, provided a storm water management system is designed consistent with Section F above, approved by the Planning Board, and implemented and maintained to ensure that post-development total runoff volume shall not exceed the pre-development total runoff volume. The total Impervious Surface area of the portion of any lot located within the Shore Land Overlay District shall not exceed 30%.
 3. In addition, if the natural tree and sapling cover in the Waterfront Buffer does not meet the 50-point minimum score described in Section G above in any segment, then such segment shall be planted with native trees, saplings or Natural Ground Cover in sufficient quantity, type and location either to meet the minimum score or to provide at least an equivalent level of protection as provided by the minimum score, as determined by the Planning Board.
 4. Property owners and developers are encouraged to seek creative solutions that utilize Low Impact Development techniques, such as those described in the New London Land Subdivision Control Regulations, dated October 23, 2007, as amended.
- J. Nonconforming Buildings & Structures: Any Nonconforming Building or Structure located entirely or partly within the Waterfront Buffer of all lakes and ponds over 10 acres in size may be continued indefinitely, Altered and/or expanded provided it complies with the following applicable provisions:
1. If the Nonconforming Building or Structure is located entirely within the Waterfront Buffer, then alteration or repair of the Building or Structure is governed by the following:
 - a. Alteration or repair of the Building or Structure is only permitted within the existing footprint and outside dimensions, consistent with the provisions of Article XX, Section B, 3, provided the result is a functionally equivalent use. No footprint change or vertical expansion of the existing structure shall be allowed. Any expansion that increases the sewerage load to an on-site septic system, or changes or expands the use of a septic system shall require approval by the NH Department of Environmental Services.
 - b. Existing decks and porches located entirely within the Waterfront Buffer may not be covered, enclosed or expanded upward or outward beyond the footprint of the existing deck or porch.
 - c. Any Substantial Improvement of an existing Nonconforming Structure located within the boundaries of the 100 Year Floodplain must comply with the requirements of Article XV Floodplain Overlay District.
 - d. Improvements may include a new foundation, provided that all of the following conditions are met:
 - (1) The new foundation shall be constructed from a vantage point entirely outside the Waterfront Buffer, or from within the structure itself, in a manner that does not disturb any part of the Waterfront Buffer beyond the footprint of the existing building.

- (2) No living space or basement area is added as a result of the new foundation.
 - (3) No change in the footprint (drip line) of the structure (within the Waterfront Buffer) will result from the new foundation.
 2. If the Nonconforming Building or Structure straddles the Waterfront Buffer, then alteration or expansion of the Building or Structure is governed by the following:
 - a. Alteration or expansion of that portion of the Building or Structure located within the Waterfront Buffer is governed by the provisions outlined in section J.1., above.
 - b. Alteration or expansion of that portion of the Building or Structure located beyond the first 50 feet inland from the Normal High Water level is governed by the following:
 - (1) Alteration or expansion is permitted upward, and outward to the side or rear of the Structure away from the lake.
 - (2) Existing, covered porches located beyond the Waterfront Buffer may be enclosed and converted to habitable space and may be expanded upward beyond the footprint of the existing porch.
 - (3) Existing decks located beyond the Waterfront Buffer may be expanded, covered, enclosed and/or converted to habitable space.
 3. These provisions supersede the provisions outlined in Article XX Legal Nonconforming Uses, Nonconforming Buildings and Non-conforming Lots, Paragraph B. Nonconforming Buildings, Section 1. The provisions of Article XX Legal Nonconforming Uses, Nonconforming Buildings and Structures and Non-conforming Lots, Paragraph B. Nonconforming Buildings and Structures, Sub-paragraph 3. pertaining to Substantial Improvement, restoration, reconstruction and/or replacement apply to Article XVI Shore Land Overlay District.
- K. Building Height: Nonconforming Structures located within the Waterfront Buffer in the Shore Land Overlay District shall not exceed 25 feet in Height above Grade.
- L. Overlapping Regulations: In all cases where the Shore Land Overlay District is superimposed over another Zone District in the Town of New London, that district whose regulations are more restrictive shall apply. Furthermore, where any provision of this district differs from those of other ordinances or regulations of the Town or State, then that provision or ruling which imposes the greater restriction or higher standard shall govern.

NEW LONDON
PLANNING BOARD
CURRENT 2015 ZONING PROVISIONS
Pages 82-83

ARTICLE XX
LEGAL NONCONFORMING USES, LEGAL NON-CONFORMING
BUILDINGS AND STRUCTURES, AND LEGAL NON-CONFORMING LOTS

- A. Legal Nonconforming Uses: Any Legal Nonconforming Use may be continued indefinitely subject to the following limitations:
1. Resumption after Discontinuance: When a Legal Nonconforming Use of land, Structures or Buildings has been discontinued for one year, then the land, Structures and Buildings shall be used thereafter only in conformity with this Ordinance.
 2. Change or Expansion: Any Legal Nonconforming Use shall not be changed to another Nonconforming Use. Any Legal Nonconforming Use shall not be expanded.
 3. Superseded by a Conforming Use: If a Legal Nonconforming Use is superseded by a conforming Use, then it shall thereafter conform to the Use regulations of this Ordinance, and the Nonconforming Use may not thereafter be resumed.
 4. Restoration, Reconstruction and/or Replacement of Buildings containing a Legal Nonconforming Use: Nothing herein shall prevent the restoration, reconstruction and/or replacement within 3 years of a Building containing a Legal Nonconforming Use destroyed in whole or in part by fire or other natural disaster so long as this Use does not result in a new or expanded Nonconforming Use.
- B. Legal Nonconforming Buildings and Structures: Any Legal Nonconforming Building or Structure may be continued indefinitely and may be Altered, expanded, restored, reconstructed and/or replaced subject to the following limitations:
1. Alterations and Expansions of Legal Nonconforming Buildings and Structures in the Shore Land Overlay District: Alterations and expansions of Legal Nonconforming Buildings and Structures located entirely or partly within the Shore Land Overlay District shall be governed by the provisions outlined in Paragraph H. Nonconforming Buildings and Structures in Article XVI Shore Land Overlay District.
 2. Alterations and Expansions of all other Legal Nonconforming Buildings and Structures: Any Legal Nonconforming Building may be Altered or expanded provided, however, that such alteration or expansion does not make any existing Legal Nonconforming Building a more Nonconforming Building within the terms of this Ordinance and provided that all other standards of this Ordinance are met. For example, if an existing Structure does not comply with the Front Yard setback requirement, then this Structure could not be expanded to result in a Structure with less Front Yard setback unless a Variance was approved by the Zoning Board of Adjustment. However, the Structure could be expanded upward or to the side along the existing Nonconforming setback provided that the expanded Structure complies with all other standards of this Ordinance. If the expansion constitutes a Substantial Improvement, then the resulting Structure is permitted only if it complies with all of the standards of this Ordinance including the aspect that makes the existing Legal

Nonconforming Building or Structure Nonconforming.

3. Substantial Improvement, Restoration, Reconstruction and/or Replacement of Legal Nonconforming Buildings or Structures:
 - a. Legal Nonconforming Building or Structure destroyed by Fire or Other Natural Disaster: Nothing herein shall prevent the restoration, reconstruction and/or replacement within 3 years of a Legal Nonconforming Building or Structure destroyed in whole or in part by fire or other natural disaster so long as the new Structure is a functionally equivalent use (with regard to number of Bedrooms and Dwelling Units), does not result in a Substantial Improvement (when compared to the original structure), and does not result in a more Nonconforming Building than was originally at the site.
 - b. Voluntary Replacement or Substantial Improvement of a Legal Nonconforming Building or Structure:
 1. For use with ARTICLE XV Floodplain Overlay District: The Substantial Improvement or voluntary replacement of a Legal Nonconforming Building or Structure is permitted only if it complies with all of the standards of this Ordinance including the aspect that makes the existing Building or Structure Nonconforming. This section does not include Building Maintenance within the types of work that comprise Substantial Improvement.
 2. For use with all remaining ARTICLES of the Zoning Ordinance: The voluntary replacement or relocation of a Legal Nonconforming Building or Structure, or Alterations to a Legal Nonconforming Building or Structure that result in a 50% increase in the square footage of useable floor area (including decks, porches, basements, garages and attics, in addition to finished floor area) of that Structure is permitted only if it complies with all of the standards of this Ordinance including the aspect that makes the existing Building or Structure Nonconforming. For the purposes of this Section, additions to the square footage of floor area of any Structure shall be cumulative beginning with first improvement following the date of the adoption of this amendment.

C. Legal Nonconforming Lots:

1. Legal Nonconforming Lots within the Shore Land Overlay District: Development of Legal Nonconforming Lots within the Shore Land Overlay District shall be governed by the provisions outlined in Paragraph J, Legal Nonconforming Lots in Article XVI Shore Land Overlay District.
2. All Other Legal Nonconforming Lots: Any other Lot with less area or Frontage than required which is lawfully established, recorded and taxed as a Lot of Record before the enactment or amendment of this Ordinance, shall be deemed a conforming Lot.
3. To insure maximum conformity with this Ordinance, any abutting land in common ownership with said Lot of Record may, with the approval of the Planning Board, be merged with said Lot.