



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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TOWN OF NEW LONDON  
ZONING BOARD OF ADJUSTMENT  
NOVEMBER 3, 2008

**PRESENT:** Bill Green, Doug Lyon, Michael Todd, Jeff Horton, Courtland Cross, Peter Stanley, Jack Sheehan

**PUBLIC HEARING:**

Stanley Farm Association Inc., represented by Peter Stanley, Director, requested a Variance to the terms of Article VI, section B,1 of the New London Zoning Ordinance to permit a house lot with less than the 40acre minimum size requirement in the ARR zone district.

Bill Green opened the hearing at 7:30 p.m., called the roll, read the Notice of Hearing as posted, and announced that the hearing would be tape recorded.

Applicant's Presentation:

Peter Stanley explained that he is a Director of the Stanley Farm Association, Inc. a C Corp. Peter referred to the plans and explained that in the late 1970's, they converted the old farmhouse into two apartments to help with the taxes and maintenance. The rest of the 66 acres is in current use. The farmhouse has been a 2-family unit for 18 years and the rental income is not sufficient to cover the expenses. They will sell it to a family member and revert it back to a single home. They will put the balance of farmhouse land in a conservation easement with the Ausbon Sargent Land Preservation Trust and then be able to roll all the individual easements into one contiguous easement.

Bill Green asked if Peter could clarify the farm house and Burpee Hill – all part of 66 acres? Peter answered that all of the land immediately around the proposed farmhouse lot is under conservation easement and can not be used to satisfy lot area requirements. Peter then reviewed the 5 findings of fact, stating that the proposal may enhance property values and there will be no change in use or appearance. The hardship results from the previous conservation easements precluding a more typical lot arrangement. Substantial justice is done because no zoning objective is achieved by splitting 4 very irregular acres out of the larger parcel. Lastly, the proposal meets the basic objectives of zoning requirements because there can be no further subdivision of the land and the density reduces from two families on the lot to only one.

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Board of Selectmen P: 603-526-4821 x 10 F: 603-526-9494	Town Administrator P: 603-526-4821 x 13 F: 603-526-9494	Town Clerk-Tax Collector P: 603-526-4821 x 11 F: 603-526-9494	Finance P: 603-526-4821 x 21 F: 603-526-9494	Assessing P: 603-526-4821 x 20 F: 603-526-9494
Planning/Zoning P: 603-526-4821 x 16 F: 603-526-9494	Fire Department P: 603-526-6073 F: 603-526-6079	Police Department P: 603-526-2626 F: 603-526-2782	Public Works P: 603-526-6337 F: 603-526-9662	Recreation P: 603-526-4821 x 14 F: 603-526-9494

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Reference letters:

From neighbor, Doug Carroll in favor of the proposal because there will be a conservation easement on the rest of the land and they will be restoring house on Burpee Hill.

From ASLPT - supporting variance request.

Motion to Discuss: Moved by Doug, second by Michael

Deliberations:

Would surrounding property values be diminished if the variance were granted?

Michael	would not
Bill	would not
Doug	would not
Court	would not
Jeff	agreed

The variance would not be contrary to public interest?

Michael	would not
Bill	would not
Doug	would not
Court	would not
Jeff	would not

Denial of Variance would result in unnecessary hardship?

Michael	yes
Bill	yes
Doug	yes
Court	yes
Jeff	yes

Would or would not do substantial justice?

Court	Would - yes
Doug	agree
Mike	agree
Jeff	agree
Bill	agree

Is or is not contrary to spirit of ordinance?

Doug	Is not contrary to spirit of ordinance
Court	agree
Mike	agree
Bill	agree
Court	agree

Motion to approve proposal

Motion to approve by Michael - Subject to conditions:

1. upon sale of farmhouse it will revert to single family residence
2. condition of sale that the balance of property be encumbered by a conservation easement
3. deed to include right of first refusal or similar instrument to existing family members similar to other parcels so conveyed to protect family members desire to keep property in family as long as possible.

All in favor?            All  
Opposed?                None

**SECOND HEARING**

**PRESENT:** Bill Green, Doug Lyon, Michael Todd, Jeff Horton, Courtland Cross, Peter Stanley, Jack Sheehan, Nancy Dahm, Christopher Mulhern of Harrison & Mulhern Architects

**PUBLIC HEARING:**

Nancy Dahm requested a Variance to the terms of Article V, section B of the New London Zoning Ordinance for the replacement of an existing single family dwelling, with a new structure to be located farther from the shore line on a lot which is less than two acres in size, has less than the required road frontage, has less than the minimum shore line, and will have less than the required side yard setbacks.

Applicant's Presentation (Christopher Mulhern, Architect)

Nancy Dahm is his client and she would like to replace her cottage on Little Lake Sunapee, which is the last house in a row, bordering the Ausbon Sargent Land Preservation Trust land (the former Murray Campground). The parcel is .24 acres bordering Little Lake Sunapee and a brook feeding into the lake. There is a cottage on the property that is within the waterfront buffer and has less than the required side yard on both sides. They would like to meet as many of requirements of zoning/wetlands as possible. They would be using the same building footprint and would meet the requirements for coverage of planting and vegetation, reduce impervious surface cover by changing the driveway and walkways to pervious materials. Proposed site plan idea is to pull away from conservation land as far as possible and replant with native species. They would then replace the older home with a new energy efficient home, in a location that minimized the amount and degree of non-conformity.

Reference letter:

From ASLPT - no objections - use standard guidelines.

Deliberations:

Michael asked about dotted line and was that the reference line? Peter Stanley replied that the reference line was the high water line and the dashed line on the plan was the 50' waterfront buffer.

Michael asked about sheet A.2.1 and was front elevation height legal?

Peter Stanley replied that it is less than 35' and legal for the proposed location.

Q. What % is square footage increase?

A. 74% article – Article XX on non conforming buildings applies.

Q. must meet all setbacks?

A. supposed to comply with all requirements unless they are granted a variance.

Q. agree public body of water surrounded by conservation land – is view impacted?

A. yes agree, set back difference mitigates it

Q. new dwelling on existing footprint the height is only concern

A. footprint is the same in different location but building is taller

Q. someone (Michael) concerned with impact of house this size and sunlight on cottage next door?

A. in this area going upward is allowed

A discussion of the basement space ensued.

Motion to discuss: Moved by Doug, seconded by Jeff - all in favor AYE.

Would or wouldn't diminish property values?

Court move back no impact OK

Jeff agree

Bill Green improvement – no adverse effect on surrounding property

Doug did drive by, agree

Michael based on testimony from Ausbon Sargent and neighbors, I agree

Granting variance would or would not be contrary to public interest?

Michael Visual impact OK - agree

Court no problem - agree

Jeff will add to public interest – agree

Bill agree

Doug agree

Denial of variance would or would not result in unnecessary hardship to owner?

Michael would be a hardship, given size and shape of lot

Doug agree

Court agree

Jeff agree

Bill agree

Granting variance would or would not do substantial justice?

Doug Yes it would, given circumstances

Michael agree

Court agree

Jeff agree

Bill agree

Use is or is not contrary to spirit of ordinance?

Court not contrary

Doug agree

Michael agree

Bill agree

Jeff agree

Motion to approve:

Moved by Michael with condition on basement height but condition was withdrawn,  
Second by Court - unanimous in favor

Approve minutes of last meeting (**September 29<sup>th</sup> 2008**) – seconded and all in favor.

Respectfully submitted,

Linda Jackman (via tape recorder)

Reviewed by,

Peter Stanley