



Town of New London
Zoning Board of Adjustment

72-16217
P.O. Box 240
375 Main Street
New London, NH 03257

NOTICE OF DECISION

New London Zoning Board of Adjustment

RE: NEW LONDON HOSPITAL

APRIL 9, 2007

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of New London Hospital. Applicants requested a variance to Article II §5 of the New London Zoning Ordinance in order to allow esthetic screening concealing the rooftop HVAC units to exceed by 6'8" the height limitation of 35' above average grade, and a variance to Article V §A of the New London Zoning Ordinance in order to allow a portion of their proposed additional parking to be located in the R-1 zone, on property owned by New London Hospital. The property is located on County Road in the R-1 zone, Tax Map 072-016 & 017.

The Board received presentations by Bruce King, CEO and President of New London Hospital; Architect Jeff Galvin; Engineer Martin Risley; Attorney Mark McCue; and Lori Underwood, Senior Director of Planning and Projects for New London Hospital.

In addition, three members of the New London Hospital Board of Trustees, New London Zoning Administrator Peter Stanley and Land Use and Assessing Coordinator Amy Rankins attended the hearing. No abutters or other parties attended, or submitted written testimony for the record.

After reviewing the material submitted, and conducting discussion with applicants, the Board made the required findings of fact to grant both variances.

Regarding the request for a variance allowing the HVAC mechanical screening to exceed the height limitation, the Board found that:

1. The variance will allow the Hospital, a tax-exempt community hospital, to expand within the Hospital/Institution zone, and better meet the community's growing medical needs.
2. A literal enforcement of the height limitation in this case would result in unnecessary hardship due to the sloping terrain of the topography in that location, the terraced design of the existing structure with which the new addition will be merged, and the method of calculating average grade as dictated by the ordinance. Members noted that if the structure under discussion—the new addition—were a stand-alone building, the HVAC and its screening would fall below the average grade and this variance would not be necessary.
3. For the same reasons as stipulated in number 1 and 2 above, applicants feel that the variance will be within the spirit of the ordinance.
4. In granting the variance, substantial justice will be done for the same reason as stipulated in number 1 and 2 above.
5. The variance will not diminish the values of surrounding properties. Applicants pointed out that the site is well buffered from abutters, and the height of the addition will not be easily seen from outside the property (specifically County Road). They have responded to all feedback from the community as well as to recommendations and requirements made by the Planning Board. They have taken a number of architectural steps as a result, and will be utilizing landscaping and other methods to assure that the project has minimal or little impact on surrounding properties.

The Board voted unanimously to grant this requested variance.

Regarding the request for a variance allowing a portion of their proposed additional parking to fall in the R-1 zone, the Board found that:

1. The public interest will be served in allowing the Hospital to keep all Hospital-related parking on campus, allowing easier access for the community as well as reducing the overall cost for the necessary increase in parking.
2. A literal enforcement of the ordinance in this case would result in unnecessary hardship. Attorney McCue reminded the Board that this is a Use Variance, and it does meet the criteria for hardship, specifically:
 - (a) The zoning restriction in this instance would interfere with a reasonable use of the property. (Without this variance allowing some parking in the R-1 zone, the hospital will not have sufficient or convenient parking to serve the users of the expanded facility.) The hardship is caused by unique features of the parcel rather than the district itself. Considering the locations of wetlands and the existing hospital facility there is no other reasonable, cost effective place to put the parking.
 - (b) No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property. Typically, in the R-1 zone, parking is designed to keep commercial aspects out (of residential areas). In this situation, this piece is in the middle of a large piece of property owned by the hospital. It is an expansion of the existing parking lot and would be less expensive than constructing additional parking in a more remote location from the building. It is consistent with the nature of the hospital's facilities. It is located far from the outer boundary of the hospital's land, and is completely buffered from all other residential areas by the size of the parcel itself, and by the inclusion of wetlands and woods.
 - (c) Again because of the location of the proposed parking within the hospital owned property, and because of the extensive buffering that exists, the variance will not injure the private or public rights of others. In fact, it will benefit the public by allowing them to easily park and access health care services.
3. For the same reasons, the variance will be consistent with the spirit of the ordinance
4. In granting the variance substantial justice will be done for the same reasons.
5. Again because of the extensive buffering around the proposed parking area, there will be no diminution of surrounding property values.

The Board voted unanimously to grant the requested variance.

William Green, Chairman
Russell Cooper
Laurie DiClerico
Brian Prescott
Cheryl Devoe