



## ***Town of New London***

### ***Zoning Board of Adjustment***

*P.O. Box 240  
375 Main Street  
New London, NH 03257*

# ***NOTICE OF DECISION***

## ***New London Zoning Board of Adjustment***

**RE: RCS DESIGNS FOR THOMAS KUNHER**

**MAY 1, 2006**

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of Robert C. Stewart of RCS Designs, representing owner Thomas Kunher. Applicant requested a variance as provided by Article XIII §F-1 of the New London Zoning Ordinance in order to locate a Clean Solution septic system within 75-feet of a wetland, on property located at 464 Elkins Road in the R-1 zone (Tax Map 077-027-000).

After receiving testimony from Robert Stewart representing the owner, from two abutters and from the New London Zoning Administrator, the Board made the following findings of fact.

- o There will be no diminution of surrounding property values, as the system proposed is environmentally safe, and will improve protection of nearby wetlands and streams. One abutter in attendance indicated that his concerns regarding potential pollution to the two brooks behind the property and harm to the surrounding environment, had all been satisfactorily addressed during the hearing.
- o The variance is in the public interest. ZBA members noted that denial of the variance would make it difficult for owners of similarly sized and situated properties to replace their own septic systems if necessary in the future.
- o That Board found that the criteria for determining that denial of this area variance would result in unnecessary hardship to the owner, both exist in this case. Specifically, its special condition (its pre-existing non-conforming size) makes the area variance necessary in order to allow the applicant to install a septic system, and applicant cannot achieve the same benefit by some other reasonably feasible method that would not impose undue financial burden.
- o Granting the variance would do substantial justice for the same reasons as numbers 2 and 3 above.
- o Allowing the variance would not be contrary to the spirit of the ordinance. The interest of the ordinance is to protect the environment. To that end, the Clean Solution system installed on this property will reduce the current load on the neighbor's septic system, and will assure that effluent from the subject property is safe for the nearby streams and surrounding environment.

The Board unanimously GRANTED the requested variance.

Lawrence Ballin, Chairman  
Russell Cooper  
Cheryl Devoe  
Laurie DiClerico  
Bill Green

NOTE: Application for rehearing on any question of the above determination may be taken within 30 days of said determination by any party to the action or person affected thereby according to New Hampshire Revised Statutes Annotated. 1955, Chapter 31:74-76.

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