TOWN OF
NEW LONDON, NEW HAMPSHIRE
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ZONING BOARD OF ADJUSTMENT (ZBA)
NOTICE OF DECISION
March 19, 2019

You are hereby notified that on Tuesday, March 19, 2019 the New London Zoning Board of Adjustment (ZBA) held a ~~joint~~ Public Hearing ~~with the Planning Board~~ and considered the following cases:

Case #ZBA19-02 – Appeal of Administrative Decision

Public Hearing
Parcel ID 033-008-000, 18 Camp Sunapee Road
Zoned R2 w/ Shore Land Overlay
Jeremy Bonin, Bonin Architects, Applicant / Ton-Ko-Lah LLC, Owner.
Pertaining to an appeal of a decision made by a town official alleging that their interpretation of the New London Zoning Ordinance is in some way in error, such that: the applicant was advised "Article XX Section B.5.b.ii requires that a voluntary tear down of a building, or relocation, would require that the new structure be built to conform with zoning." The specific zoning regulation(s) involved in the appeal include the following: Article XX, Section B.5.b.ii of the zoning ordinance.

Decision: The ZBA voted 4-1 to deny the appeal and affirm the administrative decision. Article XX, Section B.5.b.ii requires that a relocation or voluntary tear down of a legal non-conforming structure would require that the new structure be built to conform with zoning.

Case #ZBA19-03 – Variance

Public Hearing
Parcel ID 033-008-000, 18 Camp Sunapee Road
Zoned R2 w/ Shore Land Overlay
Jeremy Bonin, Bonin Architects, Applicant / Ton-Ko-Lah LLC, Owner.
A Variance is requested from the Provisions of Article XVI, C.2 and Article XX, Section B.5.b.ii of the zoning ordinance to permit the reconstruction and expansion of an existing nonconforming home straddling the waterfront buffer

Decision: The ZBA voted 5-0 to approve the request for a Variance to replace the existing Legal Non-Conforming Structure that straddles the 50-foot waterfront buffer, with a new home that straddles the 50-foot waterfront buffer, as presented in the plans to the ZBA. The following conditions apply:

1. The proposed building does not exceed the existing height within the buffer.

2. The temporary disturbance is limited to within five feet of the existing footprint within the buffer.
3. Excavation will occur from within the existing footprint within the buffer.
4. There will be no further expansion within the 50 foot buffer without Zoning Board approval.
5. All the required permits will be obtained from DES.
6. Prior to obtaining a building permit being issued, a site plan will be submitted to the Zoning Administrator indicating the shortest distance from the footprint of the house to the shoreline and overall dimensions of the entire house will be included.
7. The decision and site plan will be filed with the Merrimack County of Deeds.

Case #ZBA19-05 - Appeal of Administrative Decision

Public Hearing
Parcel ID 091-022-000, 112 Herrick Cove Lane
Zoned R2 with Shore Land Overlay
Scott Steffey, Applicant / Scott W. Steffey Living Trust, Owner.
Pertaining to an appeal of a decision made by a town official alleging that their interpretation of the New London Zoning Ordinance is in some way in error, such that: a Building Permit was denied "for not conforming with Article XX, Section B.5.b.ii which requires that a replacement or relocation of a non-conforming structure only be permitted if the building or structure is brought into compliance with all of the standards of the zoning ordinance, including the aspect that makes the existing Building or Structure Nonconforming. To come into compliance, the proposal must meet all setbacks, including the 50-foot Waterfront Buffer outlined in Article XVI, Section E.2;" and whereas the proposal should be permitted as an Alteration. The specific zoning regulation(s) involved in the appeal include the following: Article XX, Sections B.1, B.2, B.3 & B.5.b.ii of the zoning ordinance.

Decision: The ZBA voted 4-1 to deny the appeal and affirm the administrative decision to deny the building permit application because the proposal is a voluntary replacement or relocation, not an alteration, and therefore must comply with Article XX, Section B.5.b.ii.

Please refer to the meeting minutes for additional details of the discussion.

Nicole Gage, Zoning Administrator
Town of New London
Tuesday, March 26, 2019

Variances and Special Exceptions shall be valid if exercised within two (2) years. Refer to RSA 674:33, Powers of the Zoning Board of Adjustment, for the specific language. Persons who are aggrieved by the decision of the ZBA are advised to seek legal counsel as they deem appropriate and to review applicable laws including but not limited to RSA 677 Rehearing and Appeal Procedures; RSA 674:33 Powers of the Zoning Board of Adjustment; RSA 676:5 Appeals to Board of Adjustment; RSA 676:3 Issuance of Decision and other NH State Statutes and Laws which may apply. This notice is for general informational purposes and in no way shall convey any legal advice.