



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT  
(ZBA)  
NOTICE OF DECISION

**RE: Rehearing of Case #ZBA18-02, Spec Bowers, (Applicant) / SDB Investments Inc., (Owner), 1876 Newport Road, Tax Map 041-001-000**

You are hereby notified that on June 11, 2018 the New London Zoning Board of Adjustment (ZBA) held a public re-hearing at the request of Applicant for a Variance from Article XX, Sections B.1.a and B.5.a to permit a vertical expansion of the structure and an increase in the number of bedrooms. The ZBA reconvened in a public meeting on June 26, 2018 to clarify the decision.

After hearing testimony, and reviewing the contents of the application materials submitted, the ZBA concludes there was ample evidence in the record to find:

1. The lot is located in the Agricultural & Rural Residential (ARR) District.
2. Uses permitted in the Agricultural & Rural Residential District include Single-Family or Two-Family Dwelling, except as otherwise provided in the Ordinance. (Article VI. A)
3. The structure was the Eastern-most building of a seven-building complex of rental units.
4. The structure was located in New London, and the other buildings are located in Sunapee.
5. All seven buildings are served by municipal sewer.
6. The structure for which the variance is sought was destroyed by fire.
7. That structure pre-dated the adoption of the Zoning Ordinance.
8. The lot is 0.25 Acres in size. Minimum Lot Size in this District is 4 Acres.
9. The lot has 117 feet of road frontage. 200 feet is required in the ARR District.
10. The lot sits on the Southern shore of Otter Pond, almost entirely within the 50' Waterfront Buffer of the Shoreland Overlay District.
11. The location of the previous structure did not conform to the required setbacks.
12. The structure was "pre-existing non-conforming" for the purposes of our analysis.

The review of the ZBA on re-hearing is *de novo*; we decide as if the question were presented to us anew.

**The ZBA DENIES the Applicant a Variance for the following reasons:**

In a MOTION made and duly-seconded, the Zoning Board of Adjustment voted to deny the request for variance for the following reasons:

- The variance requested is not in the public interest because it conflicts with the basic zoning objective of preventing building expansion in the waterfront buffer.

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- The variance requested also violates the spirit of the ordinance by allowing building expansion in the waterfront buffer.
- Substantial justice is not an issue because the applicant has the right to rebuild the destroyed cottage as it was, so there is no loss to the Applicant.
- There is no hardship because all waterfront properties in New London are burdened with the same waterfront buffer requirements.

On the issue of diminution of property values, no evidence was submitted to suggest diminution of property values. **THE MOTION TO DENY THE VARIANCE WAS APPROVED UNANIMOUSLY 5-0.**

Nicole Gage  
Zoning Administrator  
Town of New London  
June 27, 2018

Variations 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.