



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT (ZBA)  
NOTICE OF DECISION  
Meeting Held Tuesday, December 4, 2018

You are hereby notified that on Tuesday, December 4, 2018 the New London Zoning Board of Adjustment (ZBA) held a public meeting and considered a Motion for Rehearing submitted by Lindsay Holmes and Thomas D. McHugh, requesting a rehearing for the following cases:

1. Case #ZBA18-20 for tax map 085-015-000, 33 Cottage Lane, Harry M. Snow, III
2. Case #ZBA18-21 for tax map 085-016-000, 63 Cottage Lane, Harry M. Snow, III
3. Case #ZBA18-22 for tax map 085-018-000, 68 Cottage Lane, Harry M. Snow, III
4. Case #ZBA18-23 for tax map 085-019-000, 54 Cottage Lane, Harry M. Snow, III
5. Case #ZBA18-24 for tax map 085-020-000, 42 Cottage Lane, Harry M. Snow, III
6. Case #ZBA18-25 for tax map 085-021-000, 30 Cottage Lane, Harry M. Snow, III

**The ZBA voted unanimously 5-0 to deny the request for rehearing for the reasons stated below:**

1. Contrary to the Public interest: There is a clear public benefit in having additional rental housing in New London. We heard testimony that the variance will do no harm because it will actually reduce population density by reducing the number of bedrooms and having two-bedroom apartments that have an average of 1.3 persons in them.
2. Spirit of the Ordinance: The ordinance is designed to limit population density and the testimony we heard suggested that reducing bedrooms from 12 to 8 in each building will lower density from what it was as a student dormitory. Two landlords supported the lower density of 2 bedroom apartments as about 1.3 persons.
3. Substantial Justice is done: Any loss to the individual that is not outweighed by a gain to the general public is an injustice. There is a significant loss to the applicant and no gain to denying this variance to the general public.
4. Surrounding Property Values: We heard testimony from residents that values would not be diminished, and property tax assessments have certainly not gone down with the higher residency numbers as a student dorm. ZBA members can draw on their own conclusions of property values in reaching a decision on this.
5. Unnecessary Hardship: What makes the property unique is that the we have expert testimony that the buildings are now “functionally obsolete”. The application would actually reduce population density, and thus relief can be granted without frustrating the purpose of the ordinance. There is no fair and substantial relationship between the purpose of the ordinance and the specific application to this property. AND the use is a reasonable one. Certainly 2-bedroom apartments are in demand while 6-bedroom apartments are not. The applicant did not create his own hardship because the changed circumstances of the college that made the apartments functionally obsolete were not of the applicants making.

Nicole Gage, Zoning Administrator  
Town of New London  
*Monday, December 10, 2018*

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.