

APPEAL FROM AN ADMINISTRATIVE DECISION

To: Board of Adjustment.
Town of New London

Name of applicant: Steven & Philomena Landrigan
Address: 22 Milkhouse Rd. State: NH Zip: 03257
Home Telephone: 526-7658 Work Telephone: _____ Cell: 860-8724
Email address: Steve-landrigan@yahoo.com & Plandrigan@gmail.com
Owner of property: Sandra Rowse
(if same as applicant, write "same")

Location of property 18 Sutton Road

Tax Map Number: 122 Lot Number: 002 Zone: ARR

APPEAL FROM AN ADMINISTRATIVE DECISION

Appeal of a decision made by a Town Official alleging that his or her interpretation of the New London Zoning Ordinance, Site Plan Review Regulations or Land Subdivision Control Regulations is in some way in error such that: allows expansion of a nonconforming use & discontinued use.
See attached Introduction & reasons/articles.

The specific zoning regulation(s) involved in the appeal include the following:

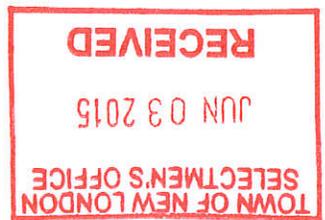
Article: _____ Section: _____ of: * All listed on following page.

Applicant(s) Signature(s): [Signature] Date: 6/2/15

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate. Enclose copies of all documents of the decision you are appealing. The appeal must be filed within 20 days of the decision.

For questions or assistance in completing these forms, please contact:

Lucy A. St. John, Planning & Zoning Administrator
603-526-4821 x16 or zoning@nl-nh.com
Or
Amy Rankins, Land Use and Assessing Coordinator
603-526-4821 x20 or landuse@nl-nh.com



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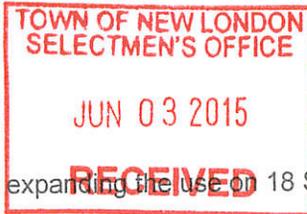
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INTRODUCTION:

We are appealing the Selectmen's decision on a building permit expanding the use on 18 Sutton Road for the following reasons:

1. 18 Sutton Road is a single dwelling home, not a two family residence. Article III Definitions, #40 & 42, page 23
2. this single dwelling home has/had an in-law apartment which is either considered an accessory dwelling or a unit dwelling, a mixed use, not a two family. Article III Definitions, page 20 , page 23 # 43 & page 28 #93
3. there is a kitchen in the main house, none in the first in-law apartment and one in the office suite which was converted into a second in-law apartment. File shows no record of building permit, but it does show a letter that the kitchen was being removed in 2011 (after violation letter from Peter Stanley)
4. density requirement for ARR zoning require 4 acres per family, the property currently has 2.5 acres, not enough for a two family residence. Article VI B #2 page 39
5. by Town and state law expansion of legal non-conforming use is not allowed. Article XX #1-4, page 82

Please see attachments for explanations/narrative of Articles.

Reason #1: 18 Sutton Road is a single dwelling home, not a two family residence.

1.The tax card reads as a single family under mixed use, not a two family. Attached is a copy of the tax card and a copy of a MLS listing agreement from 2007 which states "this wonderful home also has in-law apartment & office suite or additional in-law apartment". The owner would have to sign the MLS listing agreement knowing the residence is not a two family.

Attached is the tax card

Attached is the 2007 MLS listing sheet

Attached is a more current MLS listing sheet that expired in the fall of 2014

By the tax records and the owner's signing of MLS agreements it is clear that this is a single family dwelling.

Reason #2: this single dwelling home has an in-law apartment which is either considered an accessory dwelling or a unit dwelling, a mixed use, not a two family.

2. The second unit on the property has been used as an in-law apartment. The Town of New London Zoning Ordinance Article III on pages 20 & 23 have definitions, there is no definition for in-law apartment. The mixed use would be either:

an accessory dwelling which states: 3. **Accessory Dwelling Unit:** A secondary Dwelling Unit attached to, incorporated into and subordinate to the primary Dwelling Unit with a common roof and common wall or common ceiling/floor, in accordance with the provisions of this section. Detached Accessory Dwelling Units are not allowed.

unit dwelling which states: 43. **Dwelling Unit:** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or Dwelling Units which may be in the same Structure. For the purpose of this definition, an independent housekeeping establishment includes the following minimum attributes: space devoted to kitchen facilities for the storage, preparation and consumption of food (including counters, cabinets, appliances, and a sink for washing dishes), space

for one or more Bedrooms for sleeping, and a bathroom with a tub and/or shower. (A bar equipped with a bar-sink and an under-the-counter refrigerator shall not constitute kitchen facilities. **Neither of these added to the single family constitute a two family dwelling.**

Reason #3: there is a kitchen in the main house, non in the first in-law apartment and one in the office suite which was converted into a second in-law apartment.

In 2010 two in-law apartments were in use. The Zoning Administrator at the time, Peter Stanley, issued a letter to the owner stating only one in-law apartment was allowed. The owner responded in writing "I will have all the kitchen equipment moved out of the office/apartment area at 18 Sutton Road by the end of June, 2011." Upon examination of the file there is no building permit issued to allow the kitchen to be rebuilt in the office suite/apartment area of the residence nor to move what was an existing kitchen in the first in-law apartment. Therefore we question if the second kitchen at this point and time is even legal. Attachments include owners letter to Peter Stanley.

Reason #4: density requirement for ARR zoning require 4 acres per family, the property currently has 2.5 acres, not enough for a two family residence

The said property when purchased by the owner had approximately 13 acres of land. It is zoned ARR. The property currently has 2.5 acres. Under the Zoning Ordinance **ARTICLE VI AGRICULTURAL AND RURAL RESIDENTIAL DISTRICT** page 39 section B Lot Area Requirements 2. The population density shall be one Family per 4 acres.

There is not enough land to make it a two family residence.

Reason #5: by state law expansion of legal non-conforming use is not allowed.

As stated by Peter Stanley to the owner on Dec. 29,2010, "the legal nonconforming apartment jutting from the southwest corner of the main house" "where your property is located, Multi Family Housing may only exist as a Legal Nonconforming Use". Below are 4 reasons from the town on why a two family is not legal. Documentation by the state can be presented if necessary.

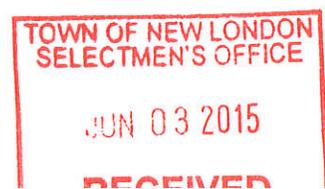
Town of New London Zoning Ordinance

ARTICLE XX LEGAL NONCONFORMING USES, LEGAL NON-CONFORMING BUILDINGS AND STRUCTURES, AND LEGAL NON-CONFORMING LOTS page 82

A. Legal Nonconforming Uses: Any Legal Nonconforming Use may be continued indefinitely subject to the following limitations:

1. Resumption after Discontinuance: When a Legal Nonconforming Use of land, Structures or Buildings has been discontinued for one year, then the land, Structures and Buildings shall be used thereafter only in conformity with this Ordinance.
2. Change or Expansion: Any Legal Nonconforming Use shall not be changed to another Nonconforming Use. Any Legal Nonconforming Use shall not be expanded.
3. Superseded by a Conforming Use: If a Legal Nonconforming Use is superseded by a conforming Use, then it shall thereafter conform to the Use regulations of this Ordinance, and the Nonconforming Use may not thereafter be resumed.
4. Restoration, Reconstruction and/or Replacement of Buildings containing a Legal Nonconforming Use: Nothing herein shall prevent the restoration, reconstruction and/or replacement within 3 years of a Building containing a Legal Nonconforming Use destroyed in whole or in part by fire or other natural disaster so long as this Use does not result in a new or expanded Nonconforming Use.

Attached is Municipal Association Summary of Case Law annotated.

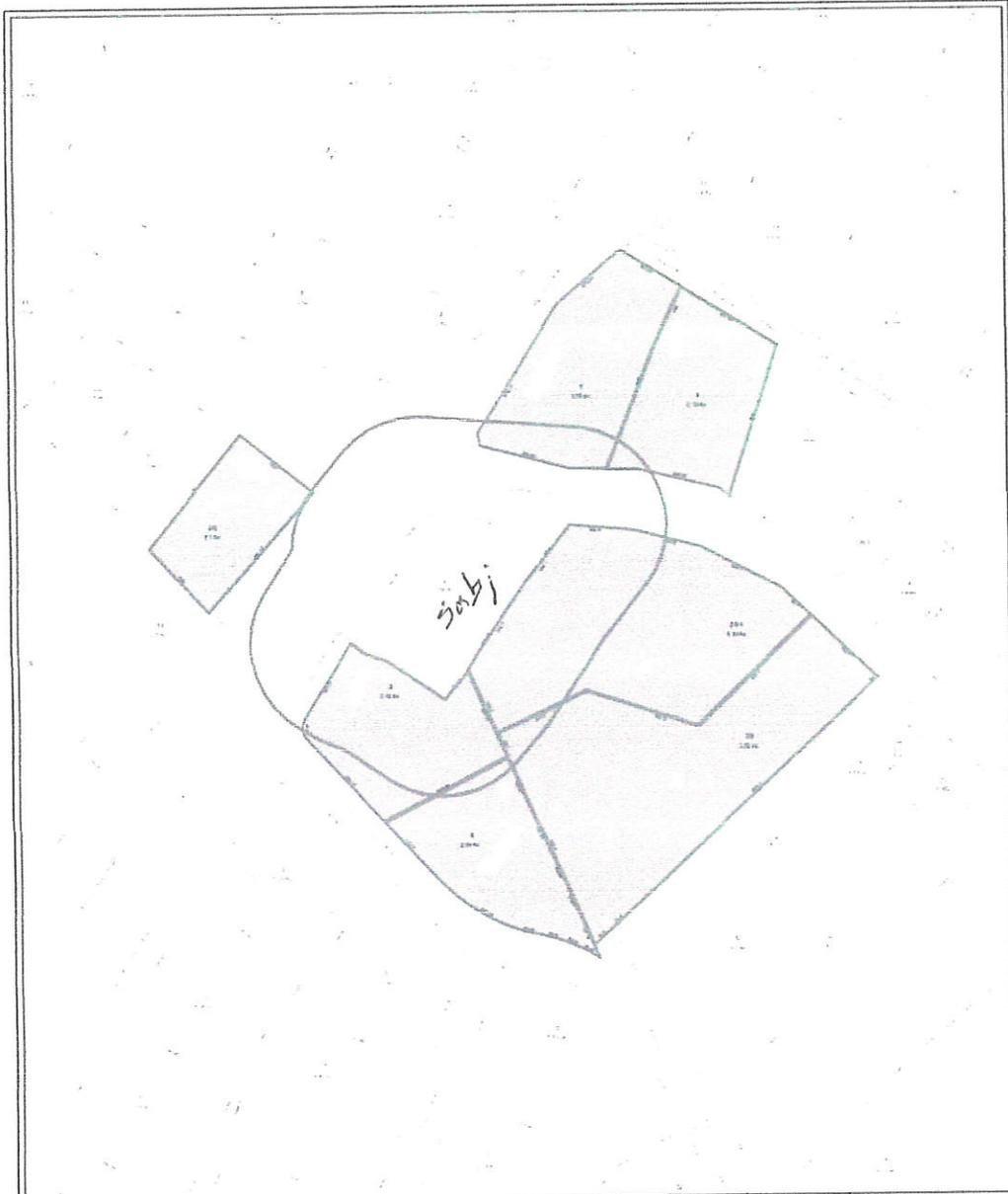


CONCLUSION:

It is our opinion that the building permit was issued by error and that the Board of Selectmen should never have issued an approval. In particular the original in-law apartment has been taken out (discontinued for over a year; since about 2011) and the third apartment had a kitchen installed without a building permit (legal?) hence questionably an apartment at all (also discontinued use per owners letter in 2010). The property is not in our opinion a two family legally nor can a discontinued use be reinstated. If it were a two family the expansion of a preexisting nonconforming use is not allowed (see case law given by Municipal Association attached and excerpted).



TOWN MAP



18 Sutton Rd Abbutters list
Tri Town, NH
1 Inch = 303 Feet
May 29, 2015



Data shown on this map is provided for planning and informational purposes only. The municipality and CA Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.ca-tech.com



TOWN OF NEW LONDON
SELECTMEN'S OFFICE
JUN 03 2015
RECEIVED

State Of NH Dept Highways DOT
7 Hazen Dr Concord, NH 03302-0483

New London Dept Public Works
184 So. Pleasant St New London, NH 03257

220' Abutters List Report
Tri Town, NH
May 29, 2015

Subject Property:

Parcel Number:	NewL-122-002-000	Mailing Address:	ROWSE SANDRA L
CAMA Number:	NewL-122-002-000		18 SUTTON ROAD
Property Address:	18 SUTTON ROAD		NEW LONDON, NH 03257

Abutters:

Parcel Number:	NewL-122-001-000	Mailing Address:	MILLS THOMAS & VICKY TRUSTS MILLS
CAMA Number:	NewL-122-001-000		THOMAS & VICKY TRUSTEES
Property Address:	40 ANDOVER ROAD		131 MAIN STREET
			NEW LONDON, NH 03257
Parcel Number:	NewL-122-003-000	Mailing Address:	LANDRIGAN STEVEN & PHILOMENA
CAMA Number:	NewL-122-003-000		22 MILKHOUSE ROAD
Property Address:	22 MILKHOUSE ROAD		NEW LONDON, NH 03257
Parcel Number:	NewL-122-004-000	Mailing Address:	GUION DAVID JR
CAMA Number:	NewL-122-004-000		PO BOX 305
Property Address:	51 ROWELL HILL ROAD		NEW LONDON, NH 03257
Parcel Number:	NewL-122-020-000	Mailing Address:	SOULIOTIS FRANK & JOHN
CAMA Number:	NewL-122-020-000		PO BOX 1055
Property Address:	1136 MAIN STREET		NEW LONDON, NH 03257
Parcel Number:	NewL-123-001-000	Mailing Address:	SURPRENANT GARY & VALERIE
CAMA Number:	NewL-123-001-000		67 SUTTON ROAD
Property Address:	67 SUTTON ROAD		NEW LONDON, NH 03257
Parcel Number:	NewL-123-029-000	Mailing Address:	DOOLITTLE THOMAS & LYNNE
CAMA Number:	NewL-123-029-000		301 SOUTHWEST ADAMS STREET
Property Address:	ROWELL HILL ROAD		PEORIA, IL 61602
Parcel Number:	NewL-123-029-001	Mailing Address:	DEANGELIS JAMES & COLLEEN
CAMA Number:	NewL-123-029-001		93 ROWELL HILL ROAD
Property Address:	93 ROWELL HILL ROAD		NEW LONDON, NH 03257

**TOWN OF NEW LONDON
SELECTMEN'S OFFICE**

JUN 03 2015

RECEIVED



www.cai-tech.com

4/20/15
PID 2297
Subject Permit #2015

Town of New London APPLICATION FOR BUILDING PERMIT

Permits are valid for one year from the date of issue. Although a building permit may be extended by the Board of Selectmen, projects not substantially under way at the one-year anniversary of approval shall be deemed to have expired and owner must apply for a new building permit, subject to current regulations and fees.

Map/Lot # 122 - 002 - 000 PERMIT # 15-034

Property Owner Name(s) Sandra L. Rouse Date 2/19/15

If the property is owned by a Trust, Corp, LLC: Name & Title of Authorized Officer N/A

Name of Owner Agent, if Applicable N/A

Property Owner Mailing Address 18 Sutton Road

Property location 18 Sutton Road Approx. Starting Date June 1st, 2015

Tel. No. (H) (603) 526-2375 (W) N/A (C) (603) 748-4733 (Email) Sandra.rouse@gmail.com

Contractor: Richard Bernaiche Tel No. (603) 313-8881 Cell No. (603) 835-2081

- Zone:
- Urban Residential (R-1)
 - Agricultural Rural Residential (ARR)
 - Institutional (INST)
 - Residential (R-2)
 - Conservation (CON)
 - Hospital Institutional (HINST)
 - Commercial (C)
 - Forest Conservation (FOR)
 - Institutional/Recreational (I/R)

Description of work: Adding Required safety measures: fire alarm system, sprinkler system, some additional fire escapes, new 2" water main to building, 4 new windows, moving a few balconies around so we can properly divide the 2 units that are currently inside the property.

In signing this building permit application, the owner of the property agrees that the information submitted is true and that the proposed construction, as described herein, will conform to the Zoning Ordinance adopted by the Town of New London on March 11, 1958, as amended, and with all other requirements of the laws and regulations of the Town of New London and the State of New Hampshire, as specified by RSA155-A:2, pertaining to buildings, wiring, fire prevention, plumbing, heating, ventilation, air conditioning, domestic water supply, and driveways as well as current NHDES rules and regulations regarding subsurface sewage disposal systems. The applicant is aware that all required permits must be completed and approved before such work may be performed. The applicant hereby authorizes a designated Town representative the right to inspect the premises prior to the approval of the permit and from time to time during construction to ensure continuing compliance with the building permit, Zoning Ordinance, and state law. In addition, the applicant authorizes the Town Assessor to enter the premises, including buildings, upon completion of the proposed work in order to assess any change in value of the property that may have occurred as a result of the construction described herein

X Sandra L. Rouse Date: 2/20/2015
Authorized Signature(s) - (Property Owner(s), Agent, Trustee, Officer, etc.)

Permit is hereby: Approved Denied Date: 5/14/15

New London Board of Selectmen:
R. Kelly Brandy
Nancy L. Pollitt



Rev. Date: 3/10

* No plans filed very important

Reason 1
Tax card
Single Family
Dwelling
Pl of 4

TOWN OF NEW LONDON
SELECTMEN'S OFFICE
JUN 03 2015
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CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Description	Cd.	Ch.
63	Century + Residential		
04	Average + 2 Stories		
1	Clapboard		
11	Cable/Hip		
03	Asph/F Gls/Cmp		
03	Drywall/Sheet		
05	Pine/Soft Wood		
09	Carpet		
14	OH		
02	Hot Water		
05	None		
01	7 Bedrooms		
07	Remodel Rating		
6	Year Remodeled		
1	Dep %		
15	Functional Obsc		
02	External Obsc		
02	Cost Trend Factor		
02	Average		
02	Average		

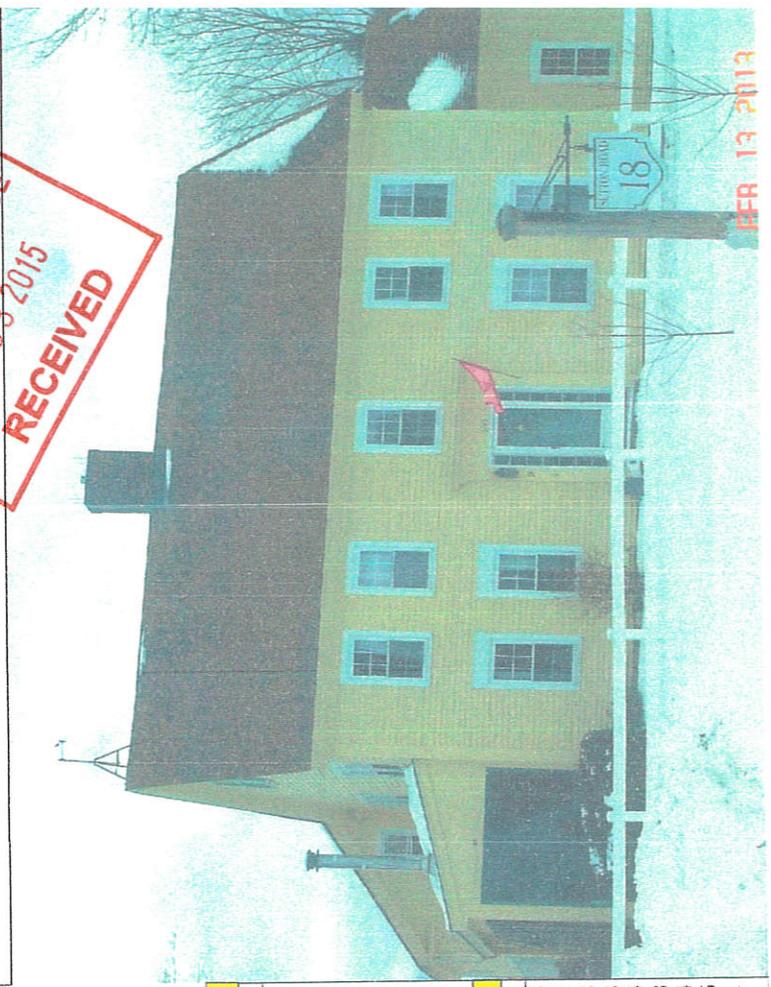
MIXED USE
Code Description Percentage
1010 Single Fam MDL-01 100

COST/MARKET VALUATION

Adj. Base Rate:	82.57
Net Other Adj:	466,284
Replace Cost	0.00
AYB	466,284
EYB	1792
Dep Code	1981
Remodel Rating	G
Year Remodeled	
Dep %	33
Functional Obsc	10
External Obsc	0
Cost Trend Factor	1
Condition	
% Complete	57
Overall % Cond	265,800
Apprais Val	0
Dep % Ovr	0
Dep Ovr Comment	
Misc Imp Ovr	0
Misc Imp Ovr Comment	
Cost to Cure Ovr	0
Cost to Cure Ovr Comment	

BAS	29		
FGR	24		
FHS	28		
BAS	25		
UBM	29		
WDK	10		
FEP	15		
8	8		
FUS	10		
BAS	13		
UBM	5		
FOP	24		
FAT	24		
BAS	29		
UBM	10		
30	30		
41	41		

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)										
Description	Comment	Y/B	Units	Unit Price	Yr	Gde	Dp Rt	Cnd	%Cnd	Apr Value
RESPAV MED		L	1	2,000.00	2003	0	0	100	100	2,000
W/LOFT-AVG	42 X 60	L	2,520	30.00	2003	0	0	50	50	37,800
W/LOFT-AVG	28 X 36	L	1,008	30.00	2003	0	0	50	50	15,100
SHED FRAME	49 X 11	L	539	20.00	2003	0	0	50	50	5,400
SHED FRAME	32 X 16	L	512	20.00	2003	0	0	50	50	5,100
GAZEBO		L	49	30.00	1980	0	0	75	75	1,100
SHED FRAME	23 X 12	L	276	20.00	2003	0	0	50	50	2,800
2 STORY CHIN		B	1	4,000.00	1981	1	1	100	100	2,300
EXTRA FPL O		B	1	1,000.00	1981	1	1	100	100	600
BUILDING SUB-AREA SUMMARY SECTION										
			Living Area	Gross Area	Eff. Area	Unit Cost	Undeprac. Value			
First Floor			3,063	3,063	3,063		252,918			
Attic, Finished			82	82	82		6,771			
Enclosed Porch			0	290	203		16,762			
Attached Garage			0	756	265		21,882			
Half Story, Finished			363	725	363		29,974			
Open Porch			0	192	38		3,138			
Upper Story, Finished			1,230	1,230	1,230		101,564			
Unfinished Basement			0	1,955	391		32,286			
Deck			0	120	12		991			



FEB 13 2013

CURRENT OWNER SE SANDRA L TTON ROAD LONDON, NH 03257 onal Owners:		UTILITIES 5 Well 6 Septic		STRT./ROAD 1 Paved 3 Rural		LOCATION		CURRENT ASSESSMENT	
Other ID: 00122 00010 00000 ZONE MP UTILITY WF Ward CONSERVA1 Prec. CONSERVA1 ROADFF GIS ID: 122-002-000		SUPPLEMENTAL DATA Septic Infor WORK #: 78553 BDRMS: MP WF CONSERVA1 ASSOC PID#		SALE DATE 11/09/2007 U 12/01/1986 U		SALE PRICE 575,000 1G 585,000 1N		Assessed Value 270,800 116,100 69,300	
RECORD OF OWNERSHIP		BK-VOL/PAGE 3030/128 1616/0376		v/i I I		Yr. 2014 2014 2014		Code 1010 1010 1010	

EXEMPTIONS		OTHER ASSESSMENTS	
Description	Amount	Description	Amount
Total:		Total:	
	551,800		551,800

ASSESSING NEIGHBORHOOD	
NBHD/ SUB	Tracing
99/A	

NOTES	
STRUCTURE IN VERY GOOD CONDITION. NEW WINDOWS THROUGHOUT POST AND BEAM, 2-IN LAW TYPE SETUPS. ONE NOT BEING USED AS SUCH 3/14 F/S \$498,000	
APPRaised VALUE SUMMARY	
Appraised Bldg. Value (Card)	266
Appraised XF (B) Value (Bldg)	4
Appraised OB (L) Value (Bldg)	65
Appraised Land Value (Bldg)	116
Special Land Value	456
Total Appraised Parcel Value	456
Valuation Method:	
Adjustment:	
Net Total Appraised Parcel Value	456

BUILDING PERMIT RECORD							
Permit ID	Issue Date	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments

LAND LINE VALUATION SECTION																				
Use Code	Zone	D	Front	Depth	Units	Unit Price	Acre	Disc	S.A.	I.	Factor	C.	ST.	Notes- Adj	Special Pricing	S. Adj	Fact	Adj.	Unit Price	Land Va
010	Single Fam MDL-01	ARR 2	718		43,560 SF	1,99	1.0000	4	1.0000	1.00	1.00	1.00		LESSER-ACROSS FROM PUVW1		1.25	1.00	1.99	5,000.00	108
010	Single Fam MDL-01	ARR 2			1.54 AC	5,000.00	1.0000	0	1.0000	1.00	1.00					1.00		5,000.00		

As offered in 2014 there are no substantial changes to the property that warrant calling it a two family Full Display

NON-PUBLIC DISPLAY, display to your client allowed

Residential
4333887 Expired

18 SUTTON ROAD
New London, New Hampshire 03257

L \$498,000



Zoning: Residential	Rooms: 15
Year Built: 1790	Bedrooms: 5
Color: Yellow	Total Baths: 6
Gross Taxes: \$ 3,927.00	Full: 5
Taxes TBD: No	3/4 Baths: 0
Tax Year: 2013	1/2 Baths: 1
Monthly Assoc. \$: 5	Garage Capacity: 2
Lot Acre: 2.54	Garage Type: Attached
Lot SqFt: 110,642	Total Fin SqFt: 4,738
Common Land Acres:	Apx Fin Above Grd: 4,738
Road Frontage: Yes: 719	Apx Fin Below Grd: 0
Water Frontage:	Apx Til Below Grd: 0
Water Acc Type:	Foot Print: 30x41.60x25
# of Stories: 2	Flood Zone: No
Basement: Yes - Interior	Style: Colonial

*Reason 1
pl of 6*

Water Body Type: Water Body Name: Parcel Access ROW: No ROW for other Parcel: ROW Width: ROW Length:

Public Rems: Crockett's Farm, income producing with 7 bedrooms. Famous Crockett's Corner Views where you see the moon over the mountain Views of Ragged & Kearsarge. Mixed Use Single Family with 2 dwellings and office suite with private entrance, new windows enclosed 4 season porch, 2 detached barns, fields, beamed ceilings, wide Pine flooring & oak flooring, 3 fireplaces, 2 car garage generator and many updates!

Directions: House is at the corner of Rt 114 (Sutton Road) and Rt 11 (Andover Road)

ROOM	DIMS	LEVEL	ROOM	DIMS	LEVEL	FLOOR	BR	FB	3/4	1/2	1/4
Living Rm	28x12	1	Master BR	24x21	2	1st	1	3	0	1	
Kitchen	18x14	1	2nd BR	12x15	2	2nd	6	2	1	0	
Dining Rm	16x13	1	3rd BR	12x15	2	3rd	0	0	0	0	
Family Rm	15x14	1	4th BR	12x15	2	4th					
Office/Study			5th BR			Bsmt	0	0	0	0	
Utility Rm			Den								
Other Rm 1		2	Other Rm 3		1						
Other Rm 2		1									

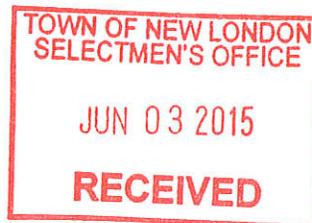
Assoc Amenities: Garden Space Possession: Negotiable
 Interior Feat: 2nd Floor Laundry, Attic, Cable, Cathedral Ceilings, Dining Area, DSL, Eat-in Kitchen, Fireplace-Wood, In Law Apartment, Kitchen Dining, Master BR with BA, Mudroom, Sunroom
 Exterior Feat: Barn, Deck, Dog Fence, Gazebos, Out Building, Porch-Covered, Porch-Enclosed
 Basement: Full, Interior Stairs
 Equip./Appl: Dishwasher, Dryer, Double Oven, Kitchen Island, Microwave, Range-Electric, Refrigerator, Security System, Washer
 Driveway: Paved Electric: 200 Amp, Circuit Breaker(s)
 Construction: Post and Beam, Wood Frame Exterior: Wood
 Financing: Foundation: Concrete, Stone
 Floors: Carpet, Hardwood, Softwood, Tile, Vinyl Heating/Cool: Baseboard, Hot Water, Multi-Zone
 Garage/Park: 2 Parking Spaces, Attached, Auto Open, Barn, Storage Lot Desc: Corner Farm, Fenced, Fields, Horse Prop, Landscaped, Level, Pasture, Sloping View
 Heat Fuel: Oil, Wood Occ. Restrictions: Pets Allowed
 Roads: Public Roof: Shingle-Other
 Sewer: 1500+ Gallon, Concrete, Leach Field, Private, Septic Water: Drilled Well, Private
 Suitable Land Use: Horse, Animal Farm
 Fee Includes: Water Heater: Off Boiler
 Disability: 1st Floor 3-4 Bathrm Building Certs:
 Negotiable: Docs Available: Deed, Plot Plan, Property Disclosure, Septic Design, Survey

Excl Sale: Tax Rate: \$15.05 Assmt: \$551,750.00 Assmt Yr: 2007

Covenant: Yes Source SqFt: Municipal County: Merrimack
 Recorded Deed: Warranty Book/Pg: 3030-128 Plan/Survey:
 Map/Block/Lot: 122-7-2 Property ID: Tax ID No. (SPAN# VT): 122-032-000
 Devel/Subdiv: Crockett's Corner Const. Status: Existing Home Energy Rated Index Score:
 District: Kearsarge Regional High Sch: Kearsarge Regional HS Jr. Mid Sch: Kearsarge Regional Middle Sch
 Elem Sch: Kearsarge Elem Bradford Cable: Phone Co: TDS Electric Co. PSNm
 Fuel Co: Resort:
 Timeshare/Fract. Ownrshp: No # Weeks: Timeshare %:
 Foreclosed Bank-Owned REO: No Short Sale: No

List Off: Angeli & Associates List Agt: Marybeth Angeli
 Firm/Office: 3156_0 Agent#: 12213 Phone: (603) 526-2955 Ext: 1# Cell: (603) 496-6499

5/29/2015



Phone/Fax: (603) 526-2955 / (603) 526-2907 Email: marybeth.angeli@tda.net Fax: (603) 526-2907
 Co-List Agt: Phone: () - Cell: () - Email:

Non-Public Rems: Crockett's Farm. Income producing. Famous Crockett's Corner Views where you see the moon over the mountain! Views of Ragged & Kearsargo. Mixed Use Single Family with 2 dwellings and office suite with private entrance, new windows, enclosed 4 season porch, 2 detached barns fields, beamed ceilings, etc.

Firm/Off Rems:
 Showing: 24 Hour Notice , Call List Office , Sign on Prop
 Management Co.: Owner Management Co. Phone:

Rented: Rental Amount: \$
 MLS List Date: 01/27/2014 MLS Type: MLS List Type: Exclusive Right TB Fee:
 Expire Dt: 10/16/2014 BA Fee: 3.00% NA/Facil Fee: 3.00% Internet: Yes

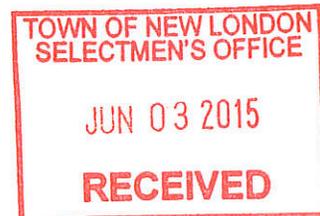
Cont Date: Contings: SubA/BrkA: 3.00% Var Comm: No
 Pend Date: Org LA: Marybeth Angeli Org List \$: \$575,000 DOM: 262
 With Date: Org CA:
 Closed Date: Cancelled Date:
 Closed \$: Fin Terms: S/SqFt AG: \$105.11

Title Company: Appraiser: () -
 Owner: Rowse Own Phone: () -
 Tenant: Tenant Phone: () -

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P. 2 of 6

5/29/2015



NON-PUBLIC DISPLAY, display to your client allowed

Residential
2669291 Closed

18 SUTTON ROAD
New London, New Hampshire 03257

L \$575,000
C\$775,000



Zoning: Residential
Year Built: 1790
Color: Yellow
Gross Taxes: \$ 12,700.00
Taxes TBD:
Tax Year: 2007
Monthly Assoc.\$:
Lot Acre: 2.54
Lot SqFt: 110,642
Common Land Acres:
Road Frontage:
Water Frontage:
Water Acc Type:
of Stories:
Basement: TED

Rooms: 15
Bedrooms: 7
Total Baths: 7
Full: 6
3/4 Baths: 0
1/2 Baths: 1
Garage Capacity: 2
Garage Type: Attached
Total Fin SqFt: 4,700
Apx Fin Above Grd: 4,700
Apx Fin Below Grd: 0
Apx TI Below Grd:

Foot Print:
Flood Zone:
Style: No Colonial

P. 3 of 6

Water Body Type: Water Body Name: Water Body Restr.: Current/Land Use: No
Surveyed: Yes
Land Gains: No
Seasonal: No
Owned Land: Yes

Parcel Access ROW: ROW for other Parcel: ROW Width: ROW Length:
Public Rems: Crockett's Farm, famous Crockett's Corner Views where you see the moon is over the mountain Views of Ragged & Kearsarge. This wonderful home also has in-law apartment & office suite or additional in-law apartment, 2 detached barns and fields. CONT. TO SHOW FOR BACK UPS.

Directions: House is at the corner of Rt 114 (Sutton Road) and Rt 11 (Andover Road)

ROOM	DIMS	LEVEL	ROOM	DIMS	LEVEL	FLOOR	BR	FB	3/4	1/2	1/4
Living Rm	28x12	1	Master BR	24x21	2	1st	0	3	0	1	0
Kitchen	18x14	1	2nd BR	12x15	2	2nd	4	2	1	0	0
Dining Rm	16x13	1	3rd BR	12x15	2	3rd	0	0	0	0	0
Family Rm	15x14	1	4th BR	12x15	2	4th					
Office/Study			5th BR			Bsmt	0	0	0	0	0
Utility Rm			Den								
Other Rm 1		2	Other Rm 3		1						
Other Rm 2		1									

Assoc Amenities: Interior Feat: 2nd Floor Laundry, Attic, Cable, Cathedral Ceilings, Dining Area, DSL, Eat-in Kitchen, Fireplace-Wood, In Law Apartment, Master BR with BA, Mudroom, Sunroom

Exterior Feat: Barn, Deck, Gazebo, Out Building
Basement: Full
Equip./Appl: Dishwasher, Dryer, Kitchen Island, Microwave, Range-Electric, Refrigerator, Security System, Trash Compactor, Washer

Drive-way: Paved
Construction: Post and Beam, Wood Frame
Financing: Full
Floors: Concrete, Stone
Garage/Park: 2 Parking Spaces, Attached, Auto Open, Barn

Heat Fuel: Oil
Roads: Public
Sewer: Leach Field
Suitable Land Use:
Fee Includes:
Disability:
Negotiable:
Excl Sale:

Electric: 200 Amp, Circuit Breaker(s)
Exterior: Wood
Foundation: Concrete, Stone
Heating/Cool: Baseboard, Hot Water, Multi Zone
Lot Desc: Corner, Fields, Horse Prop, Landscaped, Leased, Level, View

Occ. Restrictions:
Roof: Shingle-Other
Water: Drilled Well
Water Heater: Off Boiler
Building Certs:
Docs Available:

Tax Rate:
Tax Class:
Covenant: Yes
Recorded Deed: Warranty
Map/Block/Lot: 122/1/2
Davel/Subdiv: Crockett's Corner
District: Kearsarge Regional
Elem Sch: Kearsarge Elem Bradford
Fuel Co:
Timeshare/Fract. Ownrshp: No

Assmt: \$981,600.00
Assmt Yr: 2007
Source SqFt:
Book/Pg: 1616: 376
Property ID:
Const. Status: Existing
High Sch: Kearsarge Regional HS
Cable:
Phone Co:
Weeks:
Short Sale:

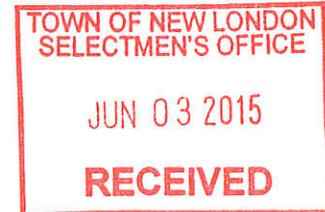
County: Merrimack
Plan/Survey:
Tax ID No. (SPAN# VT):
Home Energy Rated Index Score:
Jr./Mid Sch: Kearsarge Regional Middle Sch
Electric Co:
Resort:
Timeshare %:

List Off: Angeli & Associates
Firm/Office: 0350-0
Phone/Fax: (603) 526-2955 / (603) 526-2907
Co-List Agt: Phone: () -

List Agt: Marybeth Angeli
Phone: (603) 526-2955 Ext: 1#
Email: marybeth.angeli@angeli.com
Cell: () -

Cell: (603) 496-6499
Fax: (603) 526-2907
Email:

5/29/2015



Non-Public Rems: Crockett's Farm, famous Crockett's Corner Views where you see the moon is over the mountain! Views of Ragged & Kearsarge. This wonderful home also has in-law apartment & office suite or additional in-law apartment, 2 detached barns and folds.

Firm/Off Rems:
Showing: Call List Broker

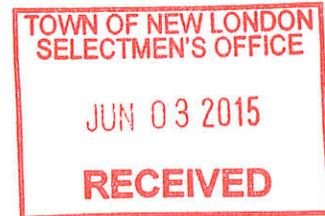
Management Co.: Management Co. Phone:

Rented: Rental Agreement					
MLS List Date: 07/26/2007	MLS Type: MLS	List Type: Exclusive Right	TA Fee:		
Expire Dt:	BA Fee: 3.00%	NA/Facil Fee: 3.00%	Internet: Yes		
Cont Date: 03/23/2007	Contings:	SubA/BrkA: 3.00%	Var Comm: No		
Pend Date: 10/31/2007	Org LA: Marybeth Angell	Orig List \$: \$575,000	DOM/DUC: 61 / 45		
With Date:	Org CA: Susan Alexander				
Closed Date: 11/09/2007	Cancelled Date:				
Closed \$: \$775,000	Fin Terms: Cash				
Closed Agt: () - of C.G. Shepherd Realty, LLC, Lebanon (603) 448-3278		S/SqFt AG: \$164.89			
Title Company:		Firm: 3308	Agt: 13185		
Owner: Graf	Appraiser: () -				
Tenant:	Own Phone: () -				
Concessions:	Tenant Phone: () -				
Details:					

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5/29/2015



Listing History in NH (NNEREN) MLS shows as residential never as multi-family

Onliner Display

Page 1 of 1

P.5-086

Sel	S	MLS	p	Address	Town	State	County	Expire Date	List \$	BR	Total Bath	Fin SqFt	LO	LA	DOM
			R	14 Sutton New London	New London	NH	Merrimack	10/16/2014	\$498,000	5	6	4738			267
			R	14 Sutton New London	New London	NH	Merrimack	01/18/2010	\$750,000	7	7	4700			364

Sel	S	MLS	p	Address	Town	State	County	List \$	Sell \$	LO	SO	Closed Date	DUC	DOM
			R	14 Sutton New London	New London	NH	Merrimack	\$575,000	\$775,000				45	61

Sel	S	MLS	p	Address	Town	State	County	List \$	BR	Total Bath	Fin SqFt	LO	LA	DOM
			R	14 Sutton New London	New London	NH	Merrimack	\$599,000	7	7	4738			125

Displaying matches 1 through 4 of 4

Selected Criteria
 State: New H
 StNum: 18
 StNam: sutton

5/29/2015



doesn't show as multifamily

Multi-Family Search Criteria - Choose At Least One

[CMA Help](#) [How to add a Prospect](#) [Instructions](#)

[Get Long Form](#)

Map-Based Search

Status

- Active
- Withdrawn
- Expired
- Closed
- Active with Contract
- Pending
- Cancelled

For multiple selections use the CTRL key to select or deselect items.

MLS Number

Enter one or more values separated by commas

Foreclosed Bank-Owned REO

Yes

No

List Price (Thousands)

Closed \$ (Thousands)

Short Sale

No

Yes

For multiple selections use the CTRL key to select or deselect items.

List Type

- Auction Listing
- Exclusive Agency
- Exclusive Right
- Open

For multiple selections use the CTRL key to select or deselect items.

Entry Only

No

Yes

For multiple selections use the CTRL key to select or deselect items.

State

- Maine
- Massachusetts
- Vermont

For multiple selections use the CTRL key to select or deselect items.

County

- Berknap
- Carroll
- Cheshire
- Cook
- Grafton
- Hillsborough

For multiple selections use the CTRL key to select or deselect items.

Town

For multiple selections use the CTRL key to select or deselect items.

Exclude selected towns

Village/District/Locale

For multiple selections use the CTRL key to select or deselect items.

And Or Not

Street Number

18

Street Name

Stutton

** Enter the street name or multiple street names separated by commas WITHOUT spaces

Street Direction

E

N

NE

NW

S

For multiple selections use the CTRL key to select or deselect items.

Street Type

- Ally
- Ally
- Arx
- ArC
- ArB
- Bch
- Bg
- Bgs
- Blf

For multiple selections use the CTRL key to select or deselect items.

Zip Code

Use My Market Towns

Use the above lists to narrow down your selection or use the below to choose towns directly

Maine

Look Up Towns

[Maine Map](#)

Massachusetts

Look Up Towns

[Massachusetts Map](#)

New Hampshire

Look Up Towns

[New Hampshire Map](#)

Vermont

Look Up Towns

[Vermont Map](#)

** For best results, please choose fewer than 10 towns **

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5/29/2015



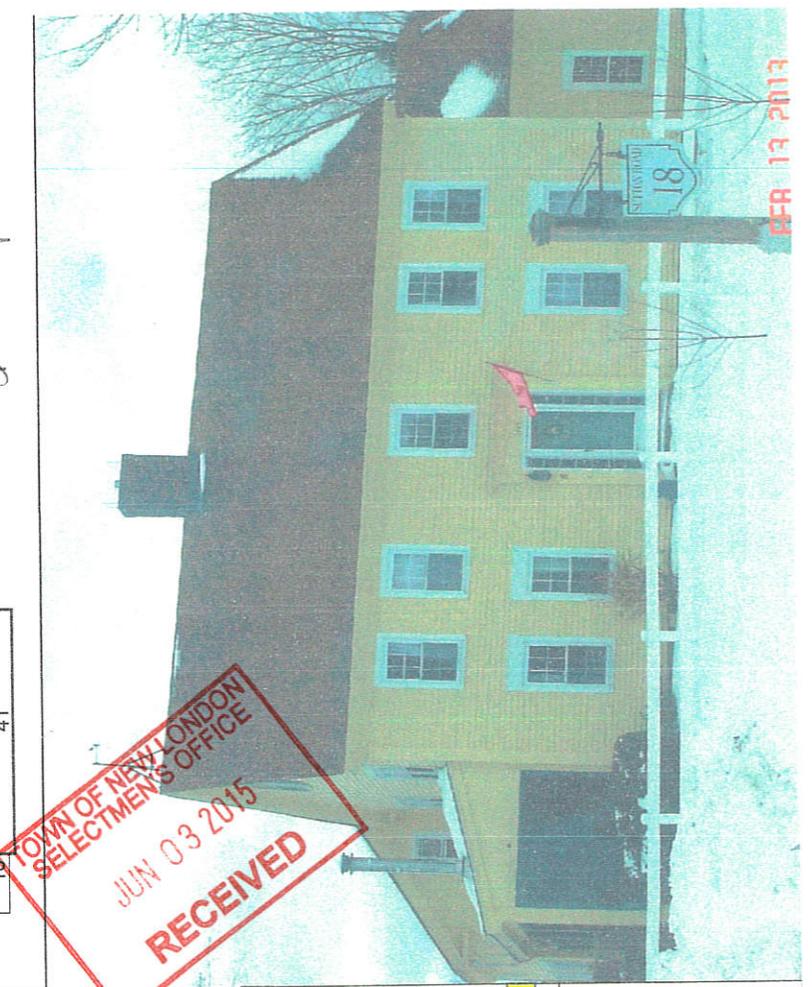
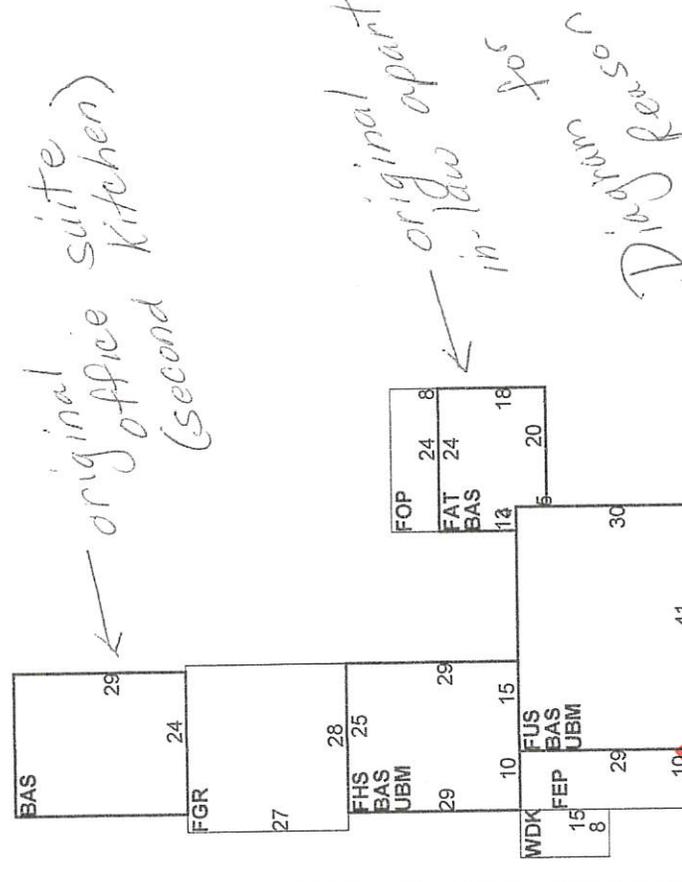
CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Cd. Ch.	Element	Description
63			Century + Residential
01			Average + 2 Stories
04			Clapboard
2			Gable/Hip
1			Asph/F GlS/Cmp Drywall/Sheet
11			Pine/Soft Wood
03			Carpet
03			Oil
05			Hot Water
01			None
07			7 Bedrooms
6			3thrms
1			Half Baths
			Ktra Fixtrs
15			Rooms
02			Average
02			Average

MIXED USE	
Code	Description
1010	Single Fam MDL-01
	Percentage 100

COST/MARKET VALUATION	
Adj. Base Rate:	82.57
Net Other Adj:	466,284
Replace Cost	0.00
AYB	1792
EYB	1981
Dep Code	G
Remodel Rating	
Year Remodeled	
Dep %	33
Functional Obslnc	10
External Obslnc	0
Cost Trend Factor	1
Condition	
% Complete	57
Overall % Cond	265,800
Apprais Val	0
Dep % Ovr	0
Dep Ovr Comment	
Misc Imp Ovr	0
Misc Imp Ovr Comment	
Cost to Cure Ovr	0
Cost to Cure Ovr Comment	

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)									
Description	L/B	Units	Unit Price	Yr	Gde	Dp Rt	Cnd	%Cnd	Apr Value
RESPAV MED	L	1	2,000.00	2003	0	0	0	100	2,000
W/LOFT-AVG 42 X 60	L	2,520	30.00	2003	0	0	0	50	37,800
W/LOFT-AVG 28 X 36	L	1,008	30.00	2003	0	0	0	50	15,100
SHED FRAME 49 X 11	L	539	20.00	2003	0	0	0	50	5,400
SHED FRAME 32 X 16	L	512	20.00	2003	0	0	0	50	5,100
GAZEBO	L	49	30.00	1980	0	0	0	75	1,100
SHED FRAME 23 X 12	L	276	20.00	2003	0	0	0	50	2,800
2 STORY CHIN	B	1	4,000.00	1981	1	1	1	100	2,300
EXTRA PLO	B	1	1,000.00	1981	1	1	1	100	600

BUILDING SUB-AREA SUMMARY SECTION					
Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprac. Value
First Floor	3,063	3,063	3,063		252,918
Artic, Finished	82	412	82		6,771
Enclosed Porch	0	290	203		16,762
Attached Garage	0	756	265		21,882
Half Story, Finished	363	725	363		29,974
Open Porch	0	192	38		3,138
Upper Story, Finished	1,230	1,230	1,230		101,564
Unfinished Basement	0	1,955	391		32,286
Deck	0	120	12		991





TOWN OF NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

December 29, 2010

Sandra L. Rowse
18 Sutton Road
PO Box 725
New London, NH 03257-0725



*Reason 3
copy from town
file
p. 1 of 3*

Re: Notice of Violation, Map 122, Lot 002-000, 18 Sutton Road

Dear Sandy,

The Town has been casually aware of the existence of a third dwelling unit on your property at 18 Sutton Road for some time. In fact, I recall discussing the subject with you before and after you purchased the property in 2007. At that time, there was nothing but rhetorical evidence regarding the existence of the third dwelling unit, which is located in the space that was formerly a home office operated by the Pellerin family (aka Pelfor Corp) up until they sold the property in 1986. During the time that the Pellerin family owned the house there were only two dwelling units; the main house and the legal nonconforming apartment jutting from the southwest corner of the main house.

The existence of a third dwelling unit, located in the former Pelfor Corp office space, has now been confirmed by Assessor's notes from a January 23, 2008 property inspection, by telephone conversation with Hilda Carlson, who was (and my still be) the occupant of the smaller of the two apartments (on August 24, 2010), and by the MLS listing sheet for the property. The reason this issue is being pursued at this time is that a neighbor has expressed concern about the intensity of the level of use at the property.

The New London Zoning Ordinance permits only Single Family or Two-Family Dwellings in the residential districts (see Articles V & VI of the New London Zoning Ordinance, copies of which are enclosed for your review). Since the inception of zoning in New London in 1958, multifamily housing (apartment buildings that contain 3 or more dwelling units) have not been permitted in the residential zones, except for a period of time during which multi family housing was permitted in the R1 Zone only, by Special Exception. In the ARR Zone, where your property is located, Multi Family Housing may only exist as a Legal Nonconforming Use (a use that existed prior to the adoption of the zoning regulation that now prohibits it).

Please consider this letter to be a Notice of Violation pursuant to NH RSA 676:17. To remedy this violation, please contact me no later than Monday, January 17, 2011, regarding your intention to either comply with the Zoning Ordinance or to seek relief from the Zoning Board of Adjustment

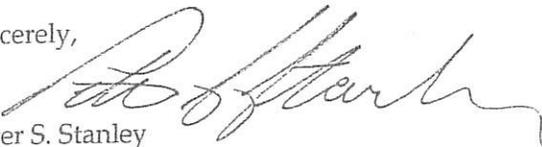
Board of Selectmen P: 603-526-4821 x 10 F: 603-526-9494	Town Administrator P: 603-526-4821 x 13 F: 603-526-9494	Town Clerk-Tax Collector P: 603-526-4821 x 11 F: 603-526-9494	Finance P: 603-526-4821 x 21 F: 603-526-9494	Assessing P: 603-526-4821 x 20 F: 603-526-9494
Planning/Zoning P: 603-526-4821 x 16 F: 603-526-9494	Fire Department P: 603-526-6073 F: 603-526-6079	Police Department P: 603-526-2626 F: 603-526-2782	Public Works P: 603-526-6337 F: 603-526-9662	Recreation P: 603-526-4821 x 14 F: 603-526-9494

(ZBA). Compliance will require conversion of the former Pelfor Corp office space into something other than a dwelling unit (usually this involves elimination of the kitchen facilities). An appeal to the ZBA will involve either an appeal of this administrative decision (a claim that there has been an error on the part of a Town Official), or a request for a zoning variance that will permit the third dwelling unit to remain, or both.

Please be advised that failure to comply with the New London Zoning Ordinance may result in legal action "and shall be subject to a civil penalty of \$275 for the first offense and \$500 for subsequent offenses for each day that the violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is first." Therefore, I hope that you will attend to this matter within the timeframe stated above.

Please feel free to contact me at your convenience if you have any questions regarding this issue.

Sincerely,



Peter S. Stanley
Planning & Zoning Administrator

Enclosures

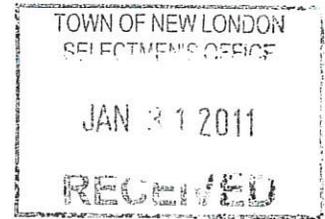
cc: Board of Selectmen
Jessie Levine, Town Administrator
Barton L. Mayer, Town Counsel
Amy Rankins, Land Use & Assessing Coordinator
Tax File



02
03

January 26, 2011

122-2



Peter Stanley
Planning and Zoning Administrator
Town Of New London
375 Main Street
New London, New Hampshire 03257

Dear Peter,

As per an e mail that I received from you, I am writing you a letter in response to your letter of 12/29/2010.

I will have all kitchen equipment moved out of the office/apartment area at 18 Sutton Road by the end of June, 2011. It will be ready for your inspection anytime after that. My cell phone is 603-748-4733 so that we can set up a time that is convenient for you or someone else from the town to inspect the office.

Thank you for giving the present tenant time to find another place to live. Housing is very short in this area and she was very appreciative of your time frame.

Always

Sandra L. Rowse
18 Sutton Road – Owner
Mailing address – P.O. Box 1488, New London, NH 03257

P.3 of 3



CC JL
BOS
PS
file 01.9

Reason 4

**ARTICLE VI
AGRICULTURAL AND RURAL RESIDENTIAL DISTRICT**

A Building may be erected, Altered or used, and a Lot may be used or occupied, only for the following purposes and in accordance with the following provisions:

A. Uses Permitted

1. Any Use permitted in the Residential District; as provided in Article V, Section A, except that Lot areas shall be governed by Article VI, Section B, and yard requirements by Article VI, Section C.
2. All general farming, veterinarian, greenhouse, Country Club, and Forestry shall be permitted in this district.

B. Lot Area Requirements

1. No Lot shall be less than 4 acres, and every Building Lot shall have a minimum Lot Frontage of 200 continuous feet provided that where Lots are located on the exterior of a curving Street, a shorter front dimension shall be permitted provided the average width of the Lot measured across its center shall be 200 feet.
2. The population density shall be one Family per 4 acres.
3. Wherever required by reason of topography, subsoil or the need for adequate sewage area, the Planning Board, with the recommendation of the Health Officer, may require a larger Lot size in those places where town sewer is not available.
4. A Lot having lake Shore Frontage on a Public Body of Water shall be not less than 4 acres with Frontage on the lake of not less than 200 feet. The population density shall be one Family per 4 acres.

C. Yard Requirements

1. No Building or other Structure shall be erected nearer to any side or back Lot Line than 25 feet, nor nearer to any front line than 50 feet.
2. On each corner Lot there shall be a yard having a width of not less than 50 feet abutting each Right-of-Way.



Reason #5: by Town Zoning and state law expansion of legal non-conforming use is not allowed.

*Reason 5
p1 of 2*

As stated by Peter Stanley to the owner on Dec. 29,2010, "the legal nonconforming apartment jutting from the southwest corner of the main house" "where your property is located, Multi Family Housing may only exist as a Legal Nonconforming Use". Below are 4 reasons from the town on why a two family is not legal. Documentation by the state can be presented if necessary. See Municipal Association Guidelines Excerpted and attached.

Town of New London Zoning Ordinance

ARTICLE XX LEGAL NONCONFORMING USES, LEGAL NON-CONFORMING BUILDINGS AND STRUCTURES, AND LEGAL NON-CONFORMING LOTS page 82

A. Legal Nonconforming Uses: Any Legal Nonconforming Use may be continued indefinitely subject to the following limitations:

1. Resumption after Discontinuance: When a Legal Nonconforming Use of land, Structures or Buildings has been discontinued for one year, then the land, Structures and Buildings shall be used thereafter only in conformity with this Ordinance.

2. Change or Expansion: Any Legal Nonconforming Use shall not be changed to another Nonconforming Use. Any Legal Nonconforming Use shall not be expanded.

3. Superseded by a Conforming Use: If a Legal Nonconforming Use is superseded by a conforming Use, then it shall thereafter conform to the Use regulations of this Ordinance, and the Nonconforming Use may not thereafter be resumed.

4. Restoration, Reconstruction and/or Replacement of Buildings containing a Legal Nonconforming Use: Nothing herein shall prevent the restoration, reconstruction and/or replacement within 3 years of a Building containing a Legal Nonconforming Use destroyed in whole or in part by fire or other natural disaster so long as this Use does not result in a new or expanded Nonconforming Use.



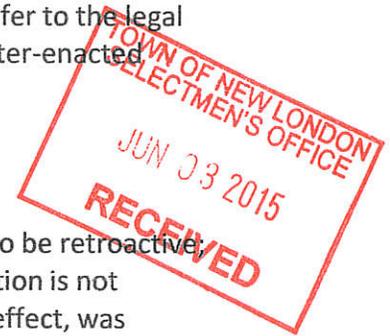
NH Municipal Assoc. On "grandfathering" May 2008 by C. Christine Fillmore, Esq. (excerpts with commentary)

Monday, June 01, 2015
12:42 PM

P. 2 of 2

There is a law somewhere saying "thou shall not touch a grandfathered land use."

Actually, no. It may be surprising, but the term "grandfathered" does not appear in any of New Hampshire's land use laws. Over time, it has evolved as a convenient way to refer to the legal concept of *protecting lawfully pre-existing nonconforming uses of land* from later-enacted prohibitions....



In other words, zoning ordinances and land use regulations are not supposed to be retroactive; they ordinarily apply only to new or altered uses of land. However, this protection is not absolute. "A use of land which, at the time a restriction on that use went into effect, was established (or 'vested'), and has not been discontinued or abandoned, can continue indefinitely, unless it includes activity which is a nuisance or harmful to the public health and welfare; but the use cannot be changed or substantially expanded without being brought into compliance." *Cohen v. Henniker*, 134 N.H. 425, 427 (1991).

COMMENT: *The proposed use of 18 Sutton Road as a two family is a substantial expanded use and harmful to public health and welfare based on the fact it has been historically an in-law apartment and has had periods of discontinued use during current ownership and prior owners.*

The questions to ask are: (1) did the use lawfully exist at the time the restriction was adopted, and (2) has it continually existed since that time? See, for example, *Seabrook v. Vachon Mgmt, Inc.*, 144 N.H. 660 (2000); *Derry v. Simonsen*, 117 N.H. 1010 (1977). The nonconformity (the part of the use that would now be prohibited) might be the type of activity (residential use, pig farm, retail store) or dimensional factors (setbacks, size restrictions, frontage).....

COMMENT: *the use of in-law-apartment was a permitted use and probably a two family prior to the subdivision leaving only the current 2.5 acres which does not comply with the 4 acre per dwelling in ARR zone as pointed out to Rowse by Peter Stanley.*

Closer questions may arise when an owner wishes to change from one nonconforming use to another. Even if the new use would be less nonconforming than the original use, if the zoning ordinance does not permit that use in that district, the change may not be allowed if the new use is "substantially different" from the original use. However, natural expansion of a nonconforming use may be allowed in some limited circumstances, if the owner can prove that the expansion is not so great that it really amounts to an entirely new use. Courts will look at whether or not (a) the expansion reflects the nature and purpose of the original nonconforming use; (b) the expansion is merely a different manner of exercising the same use and is not different in character, nature and kind; and (c) the expansion has a substantially different effect on the neighborhood. See *Severance v. Epsom*, 155 N.H. 359 (2007).....

COMMENT: *This change is not in thee spirit of the historic use of thee property hence does not "reflect the nature and purpose of the original nonconforming use." Further it is not "merely a different manner of exercising the same use" and is substantially "different in character, nature and kind"; DORMATORY not in-law-apartment or dwelling.*