TOWN OF
NEW LONDON, NEW HAMPSHIRE
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October 8, 2018

ZONING ADMINISTRATOR'S REVIEW

Submitted by: Nicole Gage NG

Application: PUBLIC HEARING / SPECIAL EXCEPTION
ZBA Case #18-16 & -17
492 Little Sunapee Rd / Parcel ID 033-026-000

1. I worked on this proposal in September with Mark Moser of Moser Engineering, through multiple emails and phone calls. Attached please find my September 19th email to Mark which contains a good Summary/Overview of why I recommended they seek a variance or special exception *(see attached).*

2. Craig Howe of Talbot Builders submitted these 2 applications for a Special Exception on September 25th. I contacted Mr. Howe on October 8th and suggested he bring photos and renderings to the Hearing *(see attached).*

3. I did not find any Planning/Zoning history for this parcel.

4. I did find a reference to this property being in Current Use and having a Conservation Easement. Concerning the Easement, I sent a courtesy notification to Ausbon Sargent Land Preservation Trust *(see attached).*

5. NOTE - In addition to the 2 parts of the ordinance that they seek a special exception, be sure to also review:

   Zoning Ordinance
   Page 81 (Special Exceptions)

Nicole Gage

From: Nicole Gage
Sent: Wednesday, September 19, 2018 12:59 PM
To: 'Mark Moser'
Subject: RE: 492 Little Sunapee Road/building addition with the Wet. Con. O/L District

Hi again Mark.

I have finished my pre-development review of the proposed plan to build an addition to a house that sits within a wetland buffer. I recommend you either seek a Variance or Special Exception through the Zoning Board of Adjustment (ZBA), because I do not see that this proposal meets the regulations of the New London Zoning Ordinance. A Variance or Special Exception would provide you relief from the ordinance for the proposed project.

Here is a summary of my review and recommendation. I hope this is helpful. Please let me know if you have further questions or if you would like some assistance with any applications to the ZBA.

1. The majority of the house is located within the 100-foot Wetland Buffer for Other Significant Wetlands in the Wetlands Conservation Overlay District (See XIII.G.3)
2. Because this house was built in 1928 (which was prior to the 1958 adoption of Zoning) the house would be considered a Legal Non-Conforming Structure (see Article XX).
3. Alteration, expansion or improvement of a non-conforming structure in the Wetlands Conservation Overlay District is permitted per XIII.D8, but only if it is consistent with Article XX <u>and</u> the Planning Board approves a cutting, clearing and erosion control plan
    a. Unfortunately, the proposed expansion to add an addition to the house is <u>not</u> permitted by Article XX. Article XX.B.4 says an expansion of a Non-Conforming structure is only permitted if does not make it <u>more</u> non-conforming. And expanding the footprint of a building in a Wetland Buffer makes the structure more non-conforming.
4. **<u>If the area where the proposed addition is in a 100-foot wetland buffer, that is prohibited (XIII.H.4), I recommend that you either:</u>**
    a. **<u>request a Variance from XX.B.4 to construct a structure that is more non-conforming (that will in turn allow you to have a Permitted Use to Alter/Expand/Improve in the Wetland Buffer per XIII.D.8); or</u>**
    b. **<u>get a Special Exception to reduce the wetland buffer area (as allowed by Special Exception in XIII.E.3) NOTE: If you apply for a Special Exception, during the presentation to the ZBA you will need to show how you meet the general Special Exception Guidelines found in XXI.G.1.</u>**

Once you get past the zoning issue and you are ready for a building permit, we will need to see any State Wetland permit. We will also need to see stormwater plans through the planning board and conservation commission. Here is a link to that application: https://www.nl-nh.com/vertical/sites/%7B26F9F697-D5BE-4423-95D7-E1EECBB7F549%7D/uploads/Stormwater_and_Erosion_Control_form.pdf.

CC: Kimberly Hallquist, Town Administrator

Nicole Gage
Zoning Administrator
Town of New London, NH
Email zoning@nl-nh.com / Web www.nl-nh.com
Direct (603) 526-1246 / Town Office (603) 526-4821

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Nicole Gage

From: Nicole Gage
Sent: Monday, October 8, 2018 1:24 PM
To: 'craighowe@talbotbuilders.com'
Cc: Doug Lyon
Subject: RE: Badmington Job

Hi again Craig.

I finished reviewing your ZBA applications. The only suggestion I have is to perhaps bring some photos of the stream, wetland and their respective buffer zones where the addition & deck would take place. Also, the ZBA may appreciate a visual rendering of what the proposed addition and deck would look like, if you have that.

If you bring copies to the October 16th meeting, please bring 5 copies: 1 for the record, and 4 to share among the board members. I will also have a laptop & project if you want to bring something on memory stick instead.

Lastly, I wrote a brief memo to the board and it will be posted on our website in the next day or so, along with all the application materials, at this link:
https://www.nl-nh.com/index.asp?SEC={11351D28-2E4E-48A8-9464-2422471FA92D}&Type=B_BASIC&persistdesign=none

Let me know if you have any questions or if I can help with anything else.

Nicole Gage
Zoning Administrator
Town of New London, NH
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From: Nicole Gage
Sent: Monday, October 8, 2018 11:08 AM
To: 'craighowe@talbotbuilders.com' <craighowe@talbotbuilders.com>
Cc: Doug Lyon <dwlyon1@comcast.net>
Subject: RE: Badmington Job

Craig:

I apologize that your payment & abutters list never made it to my attention. I did get confirmation from our Land Use Coordinator that she received your payment and abutters list on September 26th.

Although we missed the advertising deadline for the InterTown Record, I am going to run a legal ad in The Valley News for tomorrow to cover your application.

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October 8, 2018

SENT VIA EMAIL TO adeegan@ausbonsargent.org and USPS

Andy Deegan
Land Protection Specialist & Stewardship Manager
The Ausbon Sargent Land Preservation Trust
PO Box 2040
New London, NH 03257

Dear Andy:

Enclosed please find a public hearing notice for Richard and Catherine Badmington concerning their property located at 492 Little Sunapee Road (Parcel ID 033-026-000).

In reviewing our records, I see reference to a Conservation Easement with the previous owner, "Sydney R Badmington Inter Vivos Trust." This is a courtesy notice. Please feel free to attend the hearing or submit something in writing at the Zoning Board of Adjustment.

If you have any questions, please reach out to me at (603) 526-1246 or zoning@nl-nh.com.

Sincerely,

Nicole Gage
Zoning Administrator

CC: New London Conservation Commission

Encl.: ZBA Public Hearing Notice for 10/16/2018