



TOWN OF NEW LONDON, NEW HAMPSHIRE

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May 30, 2018

ZONING ADMINISTRATOR'S REVIEW

Submitted by: Nicole Gage

Application:

Name(s): Spec Bowers, Applicant / SDB Investments Inc., Owner
Case #: REHEARING OF #ZBA18-02
Property: 1876 Newport Road
Parcel ID: 041-001-000
Zone: Agricultural & Rural Residential (ARR)
in the Shoreland Overlay District & 100-Year Floodplain Zone AE
Hearing: June 11, 2018 (Original hearing was April 17, 2018)
Purpose: **Pertaining to the rebuild of a cottage damaged from fire. Request for a Variance from Article XX, Sections B.1.a, B.1.c.iii and B.5.a to permit a vertical expansion of the structure, a 1-foot overhang of the second floor on the front side (away from the lake), and an increase in the number of bedrooms.**

1. At the May 23, 2018 ZBA meeting, the ZBA voted to grant a re-hearing of this case.
2. "If a rehearing is granted, the ZBA starts anew and hears the application from the beginning, following all required statutory procedures."¹
3. I would like to point out that this is a replacement of non-conforming structure due to fire. The original request for a variance, based on my recommendation to the applicant, was made from three (3) sections of Article XX, Sect. B – Legal Nonconforming Buildings and Structures:
 - a. XX.B.1.a - for "alteration or repair" of a building located entirely within the Waterfront Buffer
 - b. XX.B.1.c.iii – for "improvements" that may include a new foundation
 - c. XX.B.5.a – for "restoration, reconstruction and/or replacement" due to a legal nonconforming structure destroyed by fire.
4. This is a legal non-conforming structure because:
 - a. It does not appear to meet the side, back or front line setbacks in the ARR District (see p. 35, VI.C.1)
 - b. The structure is located completely within the 50-waterfront buffer, whereas structures must be a minimum of 50-ft from the water's Reference Line (see p. 61, XVI.C.2).
5. This is a legal non-conforming lot because:
 - a. The ARR zone has a 4-acre minimum lot size ; whereas this lot is approx. 0.25 acres. (see p. 35, VI.B.1)
 - b. The ARR zone requires 200-ft of road frontage; whereas this lot has 117-ft. (see p. 35, VI.B.1)
 - c. It is not clear what percentage of the lot is covered with impervious surfaces. The lot may be nonconforming if more than 20% of the lot is covered by Impervious Surface. NOTE: There is a 2nd structure straddling this property line that crosses not only this boundary line but also the New London/Sunapee line. To cover a lot 20-30% with Impervious Surface, the Planning Board must approve a storm water management system, which we have no record of being done for this property. (See p. 65, XVI.H.1-3)

¹ 2017 Municipal Law Lecture Series Lecture 1 – Procedural Basics for Planning and Zoning Boards, New Hampshire Municipal Association, P. 36