

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment, Town of New London

Name of owner/applicant: Debra & Robert Berube

Mailing Address: PO Box 711; New London State: NH Zip 03257

Home Telephone: Work Telephone: Cell:

Email address:

Owner of property: Same (if same as applicant, write "same")

Location of property 32 Shaker Street

Tax Map Number: 98 Lot Number: 17 Zone: ARR

A variance is requested from the provisions of Article: XXII Section: (D) & (E) of the Zoning Ordinance to permit Construction of a new three-bedroom single family house and septic system, as shown on the attached plans

Facts supporting this request: See attached support statement memorandum.

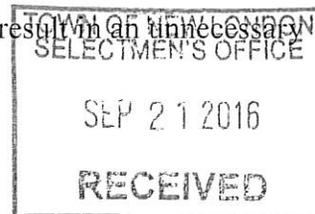
1. The variance will not be contrary to the public interest: See attached support statement memorandum.

2. The spirit of the ordinance is observed: See attached support statement memorandum.

3. Substantial justice is done: See attached support statement memorandum.

4. The values of surrounding properties are not diminished; and: See attached support statement memorandum.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. See attached support statement memorandum.



A. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(1) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;

_____ and

(2) The proposed use is a reasonable one;

B. If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Owner/applicant(s) Signature: Debra Berube Date: 9/20/16

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.

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

Lucy St. John, Zoning Administrator

603-526-4821, ext. 16

Email: zoning@nl-nh.com

Or

Amy Rankins, Assessing Coordinator

603-526-4821, ext. 20

Email: landuse@nl-nh.com



TOWN OF NEW LONDON, NH
APPLICATION FOR ZONING VARIANCE

Project Memorandum

DATE: September 20, 2016

TO: Town of New London
Zoning Board of Adjustment
Attn.: Lucy St. John, AICP
Planning & Zoning Administrator
375 Main Street
New London, NH 03257

RE: Application for Variance;
Tax Map 98, Lot 17; Shaker Street; New London, NH
Debra & Robert Berube, Owners

RIGHT ANGLE ENGINEERING, PLLC
324 Prescott Hill Road
Grafton, NH 03240
(603) 523-8800 Phone
(603) 523-8811 Fax
(603) 443-7815 Mobile
Enn@RightAngle.Engineering

This memorandum has been written to serve as the supporting statement for the application for a Variance with the New London Zoning Board of Adjustment (ZBA). This variance is needed to construct a single family home on the subject property. Specifically, a variance is needed to locate a single-family house with the supporting infrastructure to reduce the Natural Woodland buffer for the placement of the septic system.

A variance was approved for the site property in February 2016. This variance specifies that the house and site layout must be exactly as shown on the plan titled Individual Sewage Disposal System (ISDS) plan prepared for Sherman Barrett by Pierre Bedard dated December 3, 2015. Debra and Robert Berube, the current owners, have since purchased this property and want to build a house with a different configuration, install a smaller septic system, and reduce the amount of fill needed for the site grading. Overall, the layout proposed reduces the impacts for the construction on this property.

The denial of the variance would result in an unnecessary hardship to the applicant.

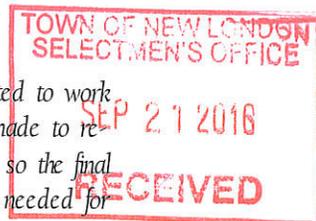
- The proposed layout shown on the site plans reduces the footprint of impact in comparison with the zoning variance approved for a similar site layout on February 22, 2016.

APPLICATION FOR A VARIANCE

Detailed below are the responses required for the application for Variance. The items are re-stated in bold, and the response in *italic*.

1. **The variance will not be contrary to the public interest.**

Granting of the variance will not be contrary to the public interest. The proposed house layout is sited to work with the natural lay of the land to the greatest extent practicable and as noted above, effort will be made to re-vegetate the impacted areas for the sideslope of the effluent disposal system (EDS or septic system) so the final site conditions will meet the spirit of the New London Zoning Ordinance. The footprint of impact needed for construction of the house and EDS is smaller than what was approved in February 2016 for this property.



2. The spirit of the ordinance is observed.

The use is not contrary to the spirit and intent of the ordinance. The use of the property is consistent with the ordinance, and will continue to be consistent with the spirit and intent of the ordinance. The intent of the ordinance is, in part, to provide for the safety and welfare of the people of the Town of New London, and protect natural resources. The granting of this ordinance will help not endanger the safety of the residents of New London, nor damage natural resources in any way.

The granting of this ordinance will help promote the welfare of the people of New London by allowing a property owner use the lot for the purpose it was intended and also provide additional tax revenue for the town once the lot has been built upon causing its value to increase.

A variance has already been granted for this property for this same use, with a design prepared by the previous owner. The current owners wish to reduce their building and EDS footprint, and also reduce the amount of fill needed to complete the site grading. This effort is also in the spirit of the Ordinance.

3. Substantial justice is done.

Substantial justice would be done by the granting of this variance. It will allow for the reasonable use and enjoyment of the property for the construction a single family home, the purpose for which the owner purchased the property.

4. The values of the surrounding properties are not diminished; and.

The granting of the variance will not result in the decrease of value of surrounding properties. The property will be used for a single-family residence, the intended use for this zone. The building size will be modest, with a smaller footprint than what has been approved for the site. Also, the effluent disposal system (septic system) will be smaller than what has been approved.

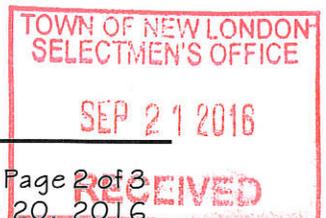
Effort will be made to make the site design for the property as nearly complying as possible with Zoning Ordinance. Also, effort has been made to address the concerns expressed by the abutters in the review of the previously-approved zoning variance.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

A. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

1) No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property:

The variance is needed to enable practical and reasonable use of the subject property. Without a variance it is not possible to construct a single-family home on the site property.



2) The proposed use is a reasonable one;

The zoning restriction as applied to the property at this location interferes with the possibility of building a single-family home. If a variance is not granted, then it will not be possible for the owner to build their house on this lot. The proposed house is a modestly sized three bedroom home.

After careful consideration, the site layout as shown on the attached plan has been determined to be the only an improved layout for the house and EDS. It reduces the amount of fill needed, and also reduces the footprint of impact. The design being proposed makes an effort to address concerns previously expressed by abutters at the February 22, 2016, public hearing for the variance that was approved for this property. The revised layout reduces the amount of fill needed for site construction by about 500 cubic yards in comparison with the currently approved plans.

- B. If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonable used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Special conditions of the site property distinguish it from other properties in the area, specifically in reference to its size. It was created prior to the establishment of the existing minimum lot sizes in the ARR zone. This small size in this area makes it impossible to avoid the impacts to the woodland buffer. Effort has been made to minimize the impacts, and the proposed layout in this application further reduces impacts to the woodland buffer.

SUMMARY

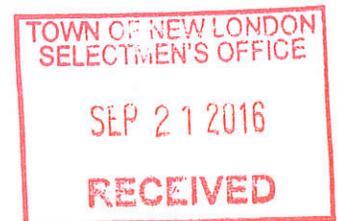
Enclosed with this memorandum are the applications and supplementary materials for the Variance for review by the New London Zoning Board of Adjustment. It is our hope that the ZBA will support this project, which be of benefit to the landowner, in the spirit of the ordinance, and at no detriment to the public or the abutting land owners, so that the owners may proceed with construction of their preferred house design.

It is again worth bringing to the Board's attention that this design results in a smaller footprint, with substantially less fill required than what was originally approved. This will make the property even more closely compliant with the Ordinance.

I look forward to discussing this application with the Zoning Board of Adjustment on October 6th.

Thank you.

cc.: Debra & Robert Berube, Property Owners





Google earth

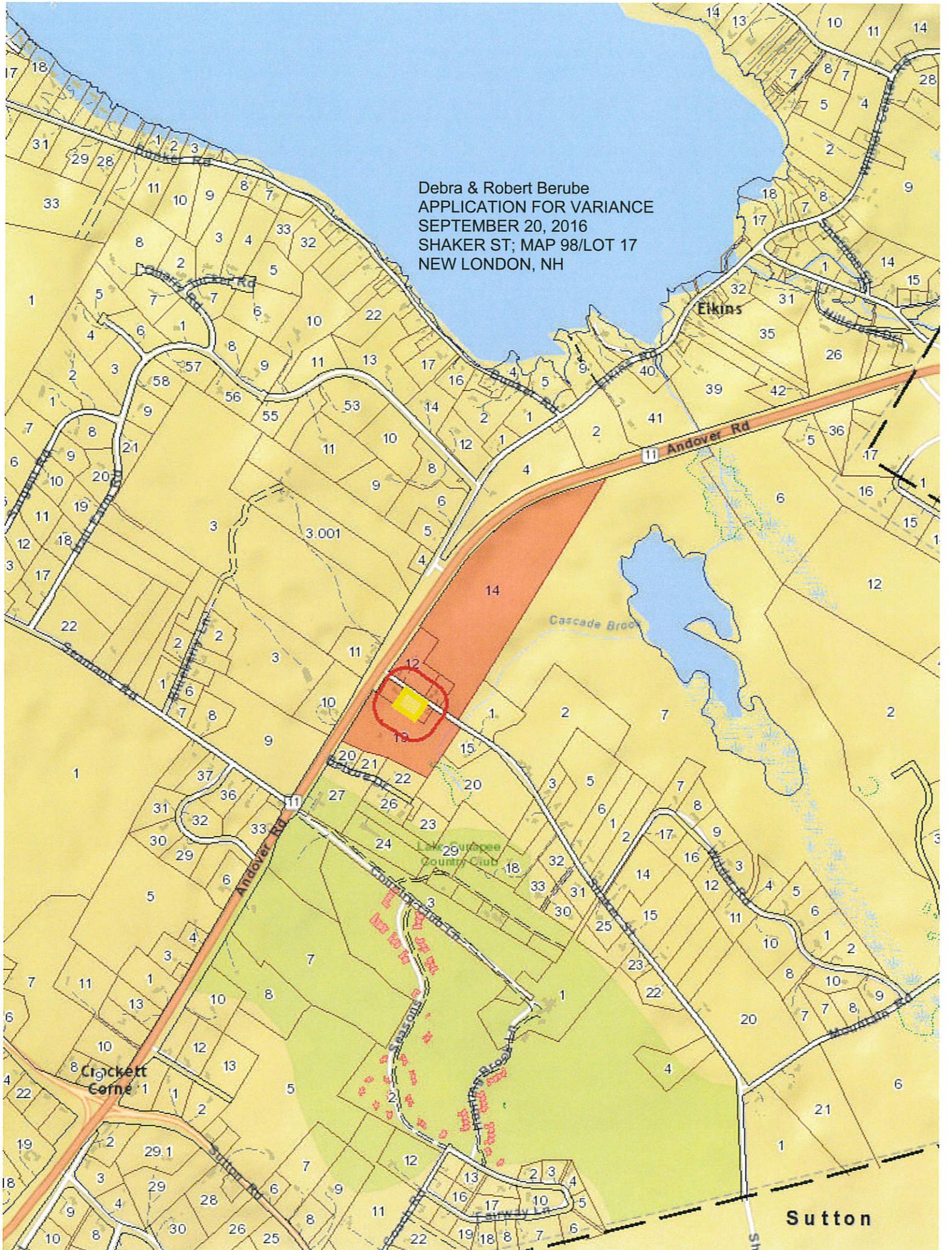


Approx. Site

Debra & Robert Beube
Application for Variance
Sept. 20, 2016
Shaker St.; Map 98/Lot 17
New London, NH

TOWN OF NEW LONDON
SELECTMEN'S OFFICE
SEP 21 2016
RECEIVED

Debra & Robert Berube
APPLICATION FOR VARIANCE
SEPTEMBER 20, 2016
SHAKER ST; MAP 98/LOT 17
NEW LONDON, NH



Sutton



TOWN OF NEW LONDON, NH
Building Permit Application

BP # 16-085*

PID # 1882

*(to be assigned by staff)

TO BE COMPLETED BY STAFF

Physical Address: Shaker St Tax Map/Lot Number: 098-017

FOR OFFICE USE ONLY - Zoning Administrator Review		
Zoning Districts/Overlay Districts <u>ARR + Streams Conservation Overlay District -</u>		
ZBA History/Approvals/Denials PB History /Approvals/Denials Required Setbacks- front <u>50</u> side <u>25</u> rear <u>25</u> ROW _____ Other <u>50</u> Setbacks shown on plot plan- front _____ side _____ rear _____ ROW _____ Other _____ Other General Comments <u>per ZBA approval</u> Flood Elevation Certificate		
FOR OFFICE USE ONLY Fee calculation amount: \$	<u>pd 7-22-16</u> <u>\$664.00</u>	<u>#4276 ju</u>
Date Payment Rec'd:		

FOR OFFICE USE ONLY			
<input type="checkbox"/> APPROVED	Permit #:	Vision PID:	Associated in Vision
<input checked="" type="checkbox"/> APPROVED WITH CONDITIONS			
<input type="checkbox"/> DENIED			
Approved with conditions: <u>1) Per ZBA decision Feb 22, 2016</u> <u>2) Compliance with all local + state permits + approvals</u> <u>3) Erosion control features installed + maintained through completion of all construction + site work</u>			
Denied, reasons for denial:			
Signatures:			
Zoning Administrator:	<u>Lucy A. St. John</u>	Date:	<u>7/29/16</u>
Town Administrator:	<u>Kimberly A. Halpern</u>	Date:	<u>8/1/2016</u>

TOWN OF NEW LONDON
SELECTMEN'S OFFICE
SEP 21 2016
RECEIVED

TOWN OF NEW LONDON
SELECTMEN'S OFFICE
New London Building Permit (Page 5 of 5)
Rev. 6/16/16
JUL 24 2016
RECEIVED



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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

ZONING BOARD OF ADJUSTMENT
(ZBA)

NOTICE OF DECISION

Tuesday, February 22, 2016

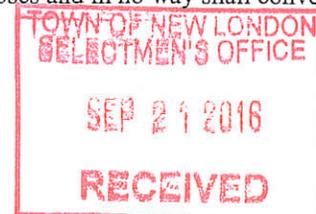
Refer to the agenda and meeting minutes for additional details of the discussion.

- ✓ Barbara A. Deming Trust. Property located at 151 Forty Acres Road. Tax Map 038-001-000. Variances requested to Article IX, Forest Conservation District, (C) Yard Requirements and (D) Land and Frontage Requirements. Variance granted to reduce the minimum lot size from 25 acres to 12+/- acres with the condition that there be no further subdivision of either parcel (038-001-000) and the proposed new lot; the conditions of this Notice of Decision be included as a note on the Subdivision Plan and that the Subdivision Plan be recorded at the Merrimack County Registry of Deeds. Variance granted to not require the minimum 400 feet of road frontage with the condition that a recorded legal access acceptable to the Planning Board be provided for the new lot, and that the 50 foot front setback be maintained along the proposed front lot line. PASSED UNANIMOUSLY.
- ✓ Sherman Barrett. Property located on Shaker Road. Tax Map 098-017-000. Property zoned Agricultural and Rural Residential (ARR). Variances requested to Article XXII, Streams Conservation Overlay District, (D), Natural Woodland buffer and (E). Prohibited Uses. Variance granted to reduce the Natural Woodland buffer for the placement of the septic system, which is shown on Exhibit A, the plan titled- Individual Sewage Disposal System (ISDS) plan prepared for Sherman Barrett by Pierre Bedard dated December 3, 2015, so that the base of the fill line be not less than 55 feet from the back property line and the distance from the back of house to the back property line is not less than 85 feet, all other dimensions consistent with the plan, and that the house be positioned on the site, as shown on said plan known as Exhibit A. PASSED UNANIMOUSLY.

Respectfully Submitted:

Lucy A. St. John, AICP
Planning and Zoning Administrator

Per RSA 674:33 (as may be amended) the concurring vote of 3 members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass. 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 676:3 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.



SITE PHOTOS

Photos taken August 2016

Map 98, Lot 17; Shaker Street; New London, New Hampshire

Application for Zoning Variance

Debra & Robert Berube, Owners

IT IS SIGNIFICANT TO NOTE THAT WORK COMMENCED USING THE ALREADY APPROVED BUILDING AND ZONING PERMITS.

PHOTO 1: Facing south from EDS area.



PHOTO 2: Facing south across excavated foundation.





The State of New Hampshire
Department of Environmental Services



Thomas S. Burack, Commissioner

**APPROVAL FOR CONSTRUCTION
OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS)**

AS AUTHORIZED BY THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES, WATER DIVISION PURSUANT TO RSA 485-A, WATER POLLUTION AND WASTE DISPOSAL AND ENV-WQ 1000, SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN RULES.

APPLICATION APPROVAL DATE: 9/14/2016

APPROVAL NUMBER: eCA2016091430

I. PROPERTY INFORMATION

Address: SHAKER STREET
NEW LONDON NH 03257
Subdivision Approval No.: PRE-1967
Subdivision Name: N/A
County: MERRIMACK
Tax Map/Lot No.: 98/17
Registry Book/Page No.: 1303/666
Probate Docket No.:

III. APPLICANT INFORMATION

Name: GEOFFREY K HUBBARD
Address: 55 RANGEWAY RD
DUNBARTON NH 03046

IV. DESIGNER INFORMATION

Name: GEOFFREY K HUBBARD
Address: 55 RANGEWAY RD
DUNBARTON NH 03046
Permit No.: 01541

II. OWNER INFORMATION

Name: DEBRA BERUBE
Address: PO BOX 711
NEW LONDON NH 03257

V. SPECIFIC TERMS AND CONDITIONS: Applicable to this Approval for Construction

- A. TYPE OF SYSTEM:** OTHER
- B. NO. OF BEDROOMS:** 3
- C. APPROVED FLOW:** 450 GPD
- D. OTHER CONDITIONS AND WAIVERS:**
 - 1. This approval is valid for 4 years from date of approval, per Env-Wq 1003.02.
 - 2. No waivers have been approved.



Darren K. King
Subsurface Systems Bureau

VI. GENERAL TERMS AND CONDITIONS: Applicable to all Approvals for Construction

- A. This Approval for Construction is issued to construct the ISDS as identified on Page 1 of this Approval.
- B. This Approval is valid until 9/14/2020, unless an Approval for Operation has been granted.
- C. By exercising any rights under this approval, the parties have agreed to all terms and conditions.
- D. No liability is incurred by the State of New Hampshire by reason of any approval of any Approval for Construction. Approval by the Department of Environmental Services of sewage and waste disposal systems is based on plans and specifications supplied by the Applicant.
- E. The system must be constructed in strict accordance with the approved plans and specifications.
- F. The installed system must be left uncovered and cannot be used after construction until it is inspected and has received an Approval for Operation of Individual Sewage Disposal System (ISDS) by an authorized agent of the Department.
- G. This system must be installed by an installer holding a valid permit. An owner may install the system for his/primary domicile.
- H. This Approval for Construction does not supersede any equivalent or more stringent local ordinances or regulations. State standards are minimal and must be met statewide.

WORK NUMBER: 201604290
APPROVAL NUMBER: eCA2016091430
RECEIVED DATE: September 13, 2016
TYPE OF SYSTEM: OTHER
NUMBER OF BEDROOMS: 3

