



TOWN OF NEW LONDON, NEW HAMPSHIRE

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MEMO

Date: April 30, 2018
To: Zoning Board of Adjustment
Submitted by: Nicole Gage
Application:

Name(s): John Ryan, Applicant / Timothy & Lucinda Carlson, Owner
Case #: # ZBA18-03
Property: 293 Lamson Lane (formerly known as 41 Lamson Lane)
Parcel ID: 062-008-000 (formerly known as Parel ID 062-019-000)
Zone: Residential District R-2 (R2) in the Shoreland Overlay District
Hearing: May 7, 2018
Purpose: Appeal of an Administrative Decision, involving Article V, Section C (2) and Article XX Section B(5)(b)(ii) of the Zoning Ordinance that a building permit unlawfully permits owner of 293 Lamson Lane to voluntarily replace an existing structure within twelve (12) feet from side lot line.

Application process timeline

1. 04/16/2018 – Application received for Appeal of an Administrative Decision. Proceeded to schedule hearing for 05/07/2018.
2. 04/10/2018 – Town responded to Attorney Manchester requesting an application.
3. 04/09/2018 – Town received complaint letter from John Ryan’s attorney, Susan Manchester of Shaheen Phinney.
4. 04/03/2018 – Zoning Administrator emailed the Carlsons, their architect Jeremy Bonin, and their general contractor Peter Swislosky to put them on notice that, although we have not received an appeal, we have received a complaint, and recommended that the Carlsons contact their legal counsel. Zoning Administrator followed up with phone calls to Mr. Bonin and Mr. Swislosky.
5. 04/03/2018 – Zoning Administrator met with John Ryan to show him the town records pertaining to the building permit BP#17-147 for the Carlson’ property to demo and rebuild a single-family home.
6. 04/02/2018 – Site visit by Zoning Administrator with Conservation Commission rep to check on erosion & sedimentation control during construction in progress
7. 04/02/2018 – Phone call received from John Ryan concerned that the neighboring house appears to be too close to his property. Zoning Administrator explained that she already has a site visit scheduled for later this morning, and arranged an appointment to meet Mr. Ryan at the town office on 04/03/208.
8. 01/30/2018 – Planning Board approved Tree cutting Application for 293 Lamson Lane, with conditions.
9. 01/29/2018 – Zoning Administrator received complaint from Kitty Wilson that demolition has begun and the orange silt fencing was not installed. I conducted site visit to follow-up that day and noted that a large portion of the house was already torn down by the time I arrived that morning.
10. **01/18/2018 – Town issued Building Permit #17-142 issued to Demo Existing, Build New 3-bedroom Single Family Home** (though it is dated 1/17/18)

11. 01/18/2018 –Town Administrator signed application for building permit as approved
12. 01/17/2018 – Zoning Administrator signed application for building permit as approved
13. 01/17/2018 – Zoning Administrator met with Conservation Commission rep, Mike Gelcius, to review Erosion & Sedimentation Control Plan
14. 01/17/2018 – Zoning Administrator met with General Contractor, Peter Swislosky, to review final questions for application for building permit
15. 01/03/2018 – Town issued Driveway Permit
16. 12/20/2017 – Zoning Administrator conducted site visit at 293 Lamson Lane with General Contractor, Peter Swislosky, to verify existing measurements
17. 12/19/2017 – Zoning Administrator completed initial review of application and requested more information
18. 12/18/2017 – Town received asbestos report via email
19. **12/06/2017 – Town received application for building permit for 293 Lamson Lane**

In preparation for this appeal, I worked with our staff to ascertain a fuller history of this parcel. Below is a general summary, but it does not represent every document in the various town files.

20. 06/27/2017 – Application approval date for septic system approved by State (“Approval for Construction”)
21. 06/26/2017 – DES approved Shoreland Impact Permit (File #2015-03051)
22. 05/31/2017 – DES received application “Impact 18,875 SF of protected shoreland in order to demolish the existing house, garage, decks and driveway and construct a new one. Construct a new septic system. Re-align culvert and daylight existing stream under existing Wetlands Permit 2015-03051” (DES Permit approved 06/26/2017 – File #2015-03051)
23. 05/25/2017 – New London Health Officer conducts on-site Test Pit Verification for new septic system
24. 11/17/2015 – Reference to DES permit in Planning Bd. minutes
25. 11/12/2015 – DES received application to “dredge and fill approx. 100’ linear feet of perennial stream in order to remove 100’ linear feet of existing 24” HDPE culvert pipe . . .” (DES Permit approved – File #2015-00693)
26. 03/30/2015 – DES received application for “restoration of a section of perennial stream. Approx. 100 linear ft. of 24 inch culvert pipe will be removed. A new stream channel will be constructed...” (DES Permit Denied – File #?)
27. 03/18/2015 – DES Wetland Permit for reviewed at Conservation Commission meeting.
28. 09/02/1999 – Building Permit #99-93 approved to alter to “raise roof approx. 3’ over portion of house to allow stairway access to attic (2nd floor). Eliminate Bedroom #3 on first floor in order to enlarge master bedroom and 2nd bath. Add Bedroom #3 and Bath #3 in attic space.”
29. 06/07/1993 – Building Permit #93-55 approved for alteration of roof pitch
30. 02/??/1990 – Building permit #90-6 approved for erection of detached garage
31. 01/29/1990 – Building permit denied for erection of detached garage. Reason denied: Not in rear quarter of lot.
32. 08/17/1988 – ZBA Rehearing, No variance can be granted. Decision notice says: “The Zoning Board cautions any owner or buyer of the property that this decision is limited to the structure that exists on the premises as of this date. Any further alteration or removal or expansion of the building would have to conform to present day setback, side yard and other zoning requirements as prescribed in the New London Zoning Ordinance.”
33. 06/22/1998 – ZBA Notice of Decision, Variance denied to legalize a lot with less than side yard requirements for purpose of sale to new owner
34. 06/13/1988 – Building permit denied to alter roof line & second story. Reason denied: insufficient side yard setback.