



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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TO: New London Planning Board
FROM: Lucy A. St. John, AICP Planning and Zoning Administrator
FOR: May 5, 2015 Meeting
RE: Home Business Application for 191 Old Main Street
Internet-Based Sales of Sporting Goods

Property Statistics:

Owners: Steven and Tacee W. Walker
Applicant: Steven Walker, dba Colonial Armory
Tax Map: 107-007-000
Proposal: Site Plan for Home Business
Location: 191 Old Main Street
Total Site Area: 4.60 acres
Existing Zoning: Residential (R-2)
Frontage: Old Main Street
Watershed: Warner River Watershed
Site Features: Single Family home with detached garage

Purpose: Applicant proposes an Internet- based sporting goods and sales company in a section of the detached garage as an office and storage for merchandise. Products to be sold include hunting accessories, shooting accessories, optics such as scopes, binoculars, telescopes and range finders, as well as firearms and the sporting equipment related to them. Does not sell or deal with ammunition or related products. Applicant has a Federal Firearms License.

Project Description: Refer to the Executive Summary prepared by the applicant.

Property History: Refer to the property card. Residential use.

Waivers Requested: Sketch shows the existing garage space to be utilized, waivers for other site plan details requested.

Zoning Ordinance Provisions

Article II, General Provisions, pages 2- 19

- # 6. Parking and Loading: See page 5. Refer to the Site Plan Regulations.
- #10 Sign Regulations, See pages 6-11; See g (2) Residential Districts- In addition, commercial, institutional or Home Business Uses shall be permitted on one free standing or building mounted sign with a maximum size of 4 square feet. The proposed zoning amendment sign provisions would allow one sign with a maximum of six (6) square feet.
- # 15 Home Occupations/Home Business, pages 14-17. A Home Business is described as: An Accessory Use of a Dwelling Unit for a Business Use which results in a product or service. It is a business which is carried on by a resident or residents who shall have their domicile in the

Dwelling Unit and which is clearly subordinate to the residential Use of that Dwelling Unit. The Planning Board must determine, through the Site Plan Review process, whether any proposed Home Business complies with the criteria, refer to pages 16-17, criteria 2 (a-p).

Article III, Definitions, pages 20-35

- The Zoning Ordinance includes over 170 definitions. Other definitions to review include: #2 accessory building, #3 accessory dwelling unit, #4 accessory use, # 5 accessory use of structure, # 33 commercial use, # 34 company vehicle, # 43 dwelling unit, #93 Mixed Use, # 111 Owner occupied housing, # 112 Parking and loading space- off street, #140 snow/storage disposal, # 148 Structure and #159 Use. The terms home occupation and home business are discussed in Article II, # 15- Home Occupations/Home Businesses.

Article V, Residential Districts, page 37

- Section A, Uses Permitted: (3) Home Occupations/Home Businesses in conformance with the provisions of Article II. Section 15 (see pages 14-17).

Article XXI, Board of Adjustment, pages 84-89. See G -A Special Exception is not required for this application, as the applicant complies with the size requirements.

- (G) (4) (j) A Home Business Use, including either a new Home Business proposal or expansion of an existing Home Business, which does not comply with the area limitations of 35% of the total finished floor area of the Dwelling Unit or a maximum of 1,000 square feet, whichever is less, may apply to the Zoning Board of Adjustment for approval of a Use by Special Exception to permit a Home Business to occupy a maximum of 1,250 square feet or 35% of the total finished floor area of the Dwelling Unit whichever is less.

Site Plan Regulations:

- ✓ Article I- D (2), page 2- Home Businesses
- ✓ Article III, pages 5-6, Site Plan Home Business
- ✓ Appendix D- Home Business Checklist of Application Requirements

Master Plan:

- ✓ The Master Plan includes references to home businesses on the following pages: 14, 57, 179 and 197.

Potential Topics for Discussion:

- ✓ Character of the neighborhood
- ✓ Definition of Home Business- The Zoning Ordinance does not include a definition, in Article III- Definition. A home business is discussed on page 16 of the Zoning Ordinance. The Zoning Ordinance does not include a list of the types of uses which may qualify as a home business or home occupation.
- ✓ Distance limitations- Some communities have distance limitations for uses such as firearms, adult businesses, card rooms, bars, liquor establishments, etc. These distances vary, for example 100 feet to 1,000 feet or some other defined distance. The New London Zoning Ordinance does not include any distance requirements.
- ✓ Lighting

- ✓ Other home businesses in the area. There is another home business on the abutting property of Michael Todd, law office, tax map 107-005-000.
- ✓ Requirements of Local, State or Federal Law Enforcement
- ✓ Safety concerns of nearby residents and general public safety issues
- ✓ Security of the Site
- ✓ Traffic/and proximity to Interstate 89

Other Home Business Applications Previously Discussed by the Planning Board (PB). This list *does not* include all home businesses.

- Colonial Armory, Steven Walker (tenant) of property owned by Gregory and Colleen Holmes at 879 Main Street. Approved by PB Nov, 2014.
- Bedard, Land Use Consulting Business at 810 Bunker Road. Approved by PB Oct 14, 2014.
- Minaert, Clinical and Motivational Hypnosis and Guided Imagery Services at 144 Barrett Road. Approved by the PB Nov 2013.
- Kelliann Bogan dance and yoga fitness studio at 332 Burpee Hill Road. Discussed at the Feb 26, 2013 PB meeting and referred to the ZBA.
- Pierre Bedard, Consulting Business at 949 Andover Road. Approved by the PB May 25, 2004.
- Ann Beardsley for Therapeutic Massage at 9 Bunker Road. Approved by the PB April 1999.
- Harrison School of Dance (established in 1972, located on Route 103 A)
- Back Roads Yoga, 2010 at 55 Page Road (Kozain property)

Reviewer Comments:

- Fire Department: Email of April 21, 2015. I have no issues.
- Police Dept.: Email of April 27, 2015. I have no issues with this.
- Public Works: Email of April 22, 2015. I have no problem with this application.

Staff Recommendations and Findings: The Planning Board should:

1. Determine if the application is complete or incomplete. If incomplete, specific reasons should be provided.
2. Determine if any waiver should or shouldn't be granted.
3. Decide if this application is deemed a project of regional impact.
4. Decide if a site visit is needed.
5. If complete, open the public hearing and receive testimony.
6. Make a motion to approve, disapprove or table the application and state the reasons. If the Planning Board acts to approve the plan, staff suggests that the following be considered in drafting a motion:
 - Hours of operation be specified, refer to the Executive Summary provided
 - Consider any comments raised by abutters or other interested persons.
 - Include specific language in the motion