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APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment, Town of New London

Name of owner/applicant: Pelletieri Associates, Inc.

Mailing Address: P.O. Box 717, Warner State: NH Zip 03278

Home Telephone: _____ Work Telephone: 603-456-3678 Cell: _____

Email address: ckessler@pelletierassoc.com

Owner of property: Arthur and Deborah Hall (see letter of authorization dated 9/22/16, attached)
(if same as applicant, write "same")

Location of property 333 Bunker Road, New London, NH 03257

Tax Map Number: 62 Lot Number: 20 Zone: Shoreland Overlay

A variance is requested from the provisions of Article: XVI Section: D.2.a of the Zoning Ordinance to permit more than 6 cubic yards of replenishment material to convert an existing sloped beach to a perched beach per NHDES Wetlands permit 2016-03288 (attached). See also,

Facts supporting this request:

Proposed and Existing Wetland Conditions Plans and Wetland Cross Section I (attached).

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

The project is intended to reduce the need for regular and periodic sand replenishment by better protecting the beach from erosion and sand migration.

2. The spirit of the ordinance is observed: Section D.2.a. is intended to control erosion and sand migration, which is accomplished by the proposed work. The proposed perched beach also offers a safer stairway to level ground, which improves safety for users.

3. Substantial justice is done: The New London Planning Board and Conservation Commission, and the New Hampshire Department of Environmental Services have each endorsed or approved the project and the net environmental and safety benefits it proposes.

4. The values of surrounding properties are not diminished; and:
The end result of the project will, if anything, enhance property values.

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 purposes of the ordinance provision and the specific application of that provision to the property;

A technical reading of the provision would impair the Applicant's ability to construct an otherwise environmentally-friendly project.

_____ and

(2) The proposed use is a reasonable one;

The project proposes a permanent solution to historic sand migration by separating the beach from the water.

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.

Maintenance of the existing sloped beach would require maximum replenishment (6 yards) every six (6) years, ultimately amounting to a much larger amount of sand being exposed to the water and lake.

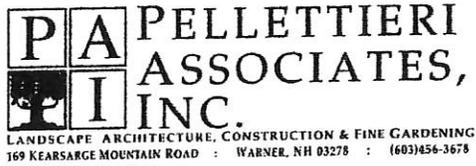
Owner/applicant(s) Signature: Jorge Pallatin, Pres. Date: 2/1/17

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



23 September 2016

Town Of New London
375 Main Street
New London, NH 03257

To Whom It Concerns,

This letter authorizes George Pellettieri and/or Chris Kessler of Pellettieri Associates, Inc. to act as my agent. This includes applying for any permits required and/ or representing our interests for work on our property located at 333 Bunker Road, New London, NH. Tax Map 62 Lot 20.

Sincerely,

Arthur & Deborah Hall
333 Bunker Road
New London, NH 03257

From: **Lucy St. John** zoning@nl-nh.com
Subject: **Hall Wetlands Permit Application for 333 Bunker Road New London Tax Map 062-020-000 on Pleasant Lake**
Date: **November 16, 2016 at 3:42 PM**
To: Darlene.Forst@des.nh.gov
Cc: **Christopher Kessler** ckessler@pellettieriassoc.com, **Bob Brown** robert@messerpond.com, **Paul Gorman** paul.g.gorman@dartmouth.edu



NHDES,

RE: Shoreland and Wetland Expedited Review (Minimum Impact) Applications for Hall at 333 Bunker Road.

Both the New London Planning Board (Paul Gorman, Chair) and Conservation Commission (Bob Brown, Chair) have reviewed both applications, following a presentation and discussion with Chris Kessler of Pellettieri Associates.

The New London Conservation Commission reviewed and signed the Wetlands Permit Application (Expedited Review) at their meeting this morning, Nov 16. As staff I was asked to submit an email to NHDES stating they concur and support the project.

The New London Planning Board reviewed and discussed both application at their Tuesday, Nov 15th Planning Board meeting. As staff I was asked to inform NHDES of the discussion, including the discussion on what entity (local or State) has jurisdiction on the beach expansion. In concept the Planning Board supports the beach replenishment. The Planning Board has referred the applicant to the **Zoning Board of Adjustment (ZBA)**, per the provisions of **Zoning Ordinance, Article XVI, Shoreland Overlay District**, (see current provisions- bolded for easy in reading only).

Once the minutes of the meeting are completed, they will be available on the Town's website. If you have any further questions, please contact me. Lucy

Lucy A. St. John, AICP
Planning and Zoning Administrator
Town of New London
375 Main Street
New London, NH 03257
(603) 526-4821, ext 16
(603) 526- 9494 (fax)
zoning@nl-nh.com

- C. Permitted Uses: The following Uses are permitted provided that they shall be conducted according to applicable provisions:
1. Docks and existing boathouses subject to the following restrictions:
 - a. New dock construction and existing dock maintenance or replacement are permitted subject to required state permits, standards, and regulations. The attachment of the dock to the shoreland shall be the least impacting alternative as permitted by the State.

as permitted by the state.

- b. Maintenance or replacement of existing boathouses which will not alter the use or increase the size or footprint of the structure is permitted subject to required state permits, standards, and regulations. Construction of new boathouses is not permitted.
2. Single Family and accessory Structures and Uses provided that all buildings—and structures shall be set back a minimum of 50 feet from the Reference Line and constructed in accordance with the erosion control requirements of Section E. No construction or land disturbance whatsoever will be permitted within the Waterfront Buffer, except as provided in Section C.4., D.2. and F. below. Unless special construction practices ensure that no land disturbance will occur in the Waterfront Buffer as a result of construction activities, all Structures must be set back a minimum of 10 feet from the Waterfront Buffer to accommodate land disturbance resulting from such activities.
3. Sub-surface sewage disposal facilities provided that they shall be set back in accordance with state requirements.
4. A permanent pathway, stairway or walkway with a maximum width of six (6) feet within the Waterfront Buffer provided it is configured in a manner that will not concentrate stormwater runoff or contribute to erosion and is constructed with adequate soil erosion control measures as outlined in Section E below.
5. **Replenishment of existing Beaches as provided in D.2. below.**
6. Retaining walls within the Waterfront Buffer, as permitted in Section F.2.c (5) below.

D. General Provisions:

1. The traveled portion of a road shall be set back beyond the Waterfront Buffer except for bridges and bridge approaches and access ways for firefighting equipment and boat launching. All new roads shall be constructed in accordance with an Erosion and Sediment Control Plan approved by the Planning Board as part of the final Subdivision application and approval.
2. **Construction of a new Beach or expansion of an existing Beach is not permitted. Replenishment of an existing Beach is permitted only under the following conditions:**
 - a. **No more than 6 cubic yards of replenishment material is permitted to be added in any 6 year period; and**
 - b. **Review and comment by the New London Conservation Commission; and**
 - c. **A permit is obtained from the NH Department of Environmental Services (NHDES).**



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

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WETLANDS AND NON-SITE SPECIFIC PERMIT 2016-03288

Permittee: Arthur/Deborah Hall
 333 Bunker Road
 New London, NH 03257

Project Location: 333 Bunker Road, New London
 New London Tax Map/Lot No. 62 / 20

Waterbody: Pleasant Lake

**NOTE--
 CONDITIONS**

APPROVAL DATE: 12/12/2016 **EXPIRATION DATE:** 12/12/2021

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Based upon review of the above referenced application, in accordance with RSA 482-A and RSA 485-A:17, a Wetlands Permit and Non-Site Specific Permit was issued. This permit shall not be considered valid unless signed as specified below.

PERMIT DESCRIPTION: Convert an existing sloped beach into a 350 sq. ft. perched beach with 4 ft. wide access stairs to the water on an average of 208 ft. of frontage along Pleasant Lake, in New London.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with plans by Pellettieri Associates Inc. as revised November 2, 2016, and received by DES on November 17, 2016.
2. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
3. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
6. All excavated material shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
7. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. No more than 10 cu. yd. of sand shall be used and all sand shall be located above the normal high water line.
9. Any future beach replenishment shall require a new permit.
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.

11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
12. A combination of trees, shrubs and ground covers representing the density and species diversity of the vegetation present prior to construction shall be replanted beginning at a distance no greater than 5 feet landward from the beach area.

GENERAL CONDITIONS THAT APPLY TO ALL DES WETLANDS PERMITS:

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
3. The Wetlands Bureau shall be notified upon completion of work;
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits, and/or consult with other agencies as may be required (including US EPA, US Army Corps of Engineers, NH Department of Transportation, NH Division of Historical Resources (NH Department of Cultural Resources), NHDES-Alteration of Terrain, etc.);
5. Transfer of this permit to a new owner shall require notification to and approval by DES;
6. This project has been screened for potential impacts to known occurrences of rare species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have received only cursory inventories, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.
7. Review enclosed sheet for status of the US Army Corps of Engineers' federal wetlands permit.

APPROVED: _____

Dale Keirstead
DES Wetlands Bureau

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BY SIGNING BELOW I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.

OWNER'S SIGNATURE (required)

CONTRACTOR'S SIGNATURE (required)



PROPERTY MAPS PREPARED BY: WHITMAN & HOWARD, INC. 89 BROAD STREET, BOSTON, MASS.

THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.

THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM.

REVISED AND REPRINTED BY: **GAITECH** Technologies

11 PLEASANT STREET, LITTLETON, NH 03061
603.322.4540 - WWW.GAI-TECH.COM

LEGEND

AREA IN ACRES	2.4 Ac	RECORD DIMENSION	100'
AREA IN SQ. FT.	41075	SCALED DIMENSION	100'S
MATCH REFERENCE	24-2	COMMON OWNERSHIP	OR
WATER	OR	WETLANDS	

SCALE 1" = 100'

FEET: 0 100 200 300

METERS: 0 25 50 75

REVISED TO: APRIL 1 2015

PROPERTY MAPS

NEW LONDON

NEW HAMPSHIRE

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MAP NO. **62**