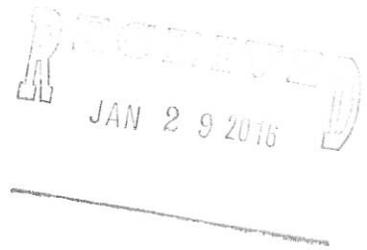


Lucy A. St. John, AICP
Planning & Zoning Administrator
Town of New London, NH
375 Main Street
New London, NH 03257



January 28, 2016

Dear Lucy:

I am writing as a follow up to our discussion this past Tuesday concerning the zoning status of the New London Barn Playhouse, Inc. campus located at Williams Road & Main Street, Tax Map 073-042-000. Buildings on the Lot include the 1820 Barn Playhouse, the adjacent former Nurse's Residence (now called the "Red House"), together with public parking behind both structures. This is the same Lot that was the subject of a Conceptual Site Plan discussion with the New London Planning Board on January 26th.

The New London Barn Playhouse is a community treasure. The only theater listed on the New Hampshire Register of Historic Places, our organization has produced plays and other entertainments during the late spring and summer months continuously since July 1934. For almost this entire time the Red House and surrounding land has provided space for the manufacture of sets & costumes, as a residence for theater staff and performers, as an office for theater business and as an area to rehearse plays before being performed on the Barn stage. In short, it is as much an integral part of our theatrical operation as the theater itself. We could not produce anything without the activities conducted therein.

All of the operations on the Lot predate the establishment of Zoning in New London. When the Ordinance was first adopted the Lot was located in a Commercial Zone in which theatrical operations were a permitted use. The property was rezoned to Residential in March 1969 at which point, according to a letter from Mr. Boyd H. Carr, Chair of the New London Board of Adjustment to the then Chair of the Board of Selectmen, Dr. Alf Jacobson dated July 31, 1978 (the "Zoning Letter", copy attached), "the Barn Players then became a nonconforming use, but maintained a vested interest in the *use* permitted in the prior zone". Note that the vested interest in the *use* ran to the Barn Players, the predecessor in name to the non-profit New London Barn Playhouse, Inc., the owner and operator of both the theater space and all the production facilities on the Lot essential to produce plays.

That the ZBA considered theatrical productions with its attendant set, costume manufacture and rehearsal activities the **legal nonconforming use** is evident from the conclusion reached in the Zoning Letter, which concerned the question as to whether plays could be presented as early as mid-June. It wrote that moving the start of the Season a bit earlier did not "*violate the spirit or intent of the Zoning Regulations in the category of expansion of a nonconforming use*". We open our main

production Season this year with Brigadoon on June 15th and end with Don't Dress for Dinner on September 4th.

We are **not** seeking an expansion of a Legal Nonconforming Use, which in all events is prohibited under Article XX A. 2. Our intent is to produce and present plays on our campus in the same manner and within the general time frame which has existed for 83 years.

It is the operation of a theater company with all its attendant and subsidiary tasks, which **is** the Legal Nonconforming Use, not any one of the many ancillary and necessary functions required to achieve that goal. The same number of sets and costumes will be required for our shows whether or not they are built in clean, safe and efficient space or in inadequate and crumbling sheds. The same rehearsal time will be required whether or not the cast will have well lit air-conditioned space or continue to rehearse in cramped space below the theater and in the basement of the Red House. There is no "expansion" of these tasks that are required to produce our shows.

We are in need of physical improvements to our plant; much of this necessitated by public safety and patron convenience matters. Items such as improved and accessible toilets; sprinklers in the Red House; an organized parking lot, safer porch access; better rehearsal space, and safer and more adequate set and costume shops. The rezoning which occurred in March 1969 made the structures on our campus Legal Nonconforming Buildings. Article XX B. 2 permits the alteration and expansion of such structures provided that such alteration or expansion does not make the structure more nonconforming. We believe the Conceptual Site Plan discussed with the Planning Board meets that standard and that it will be in compliance with the 50% limitations of Article XX B3 b.2.

Thank you for the opportunity to clarify our purpose in seeking to upgrade our facilities without an expansion of the nonconforming use status of the theatrical operations on the Lot.

Sincerely yours

Tom DeMille
President
New London Barn Playhouse, Inc.

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Zoning Board of
Adjustment

Town of New London
New London, New Hampshire
03257

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July 31, 1978

Dr. Alf Jacobson, Chairman
Board of Selectmen
New London, N. H. 03257

Dear Mr. Chairman:

This letter is in response to two questions in your letter of June 6, 1978 concerning the Barn Players property (Williams, Jones, Andrews), Leger House and expansion of a nonconforming use as related to additional performances by the Barn Players. The questions were dealt with at a special meeting of the Zoning Board of Adjustment on July 26, 1978.

Concerning the general question; expansion of time with respect to the expansion of a nonconforming use, the Board believes that each situation should be considered on its own merits. Concerning the specific situation of the expansion of calendar (time) by the Barn Players, the Zoning Board concludes as follows:

1. The Barn Players Playhouse was in the Commercial Zone until March 10, 1969. Theaters are permitted uses in this Zone. Furthermore, the Playhouse was in existence prior to the inception of Zoning by the Town of New London. Therefore, the Players were a conforming use until 1969.
 - a. The area encompassing the Playhouse was rezoned to Residential in March 1969. The Barn Players then became a nonconforming use, but maintained a vested interest in the use permitted in the prior zone.
2. According to the minutes of a special meeting of the Selectmen on December 1, 1977, seven night per week performances have been customary since 1967 when such use was permitted. Thus there has been a reasonable and ordinary continuation of this use for eleven years.
3. The limited extension of the calendar year back to mid-June from July seems to be a reasonable extension of use by the Barn Players.

The Zoning Board concludes that at this time the New London Barn Players do not violate the spirit or intent of the Zoning Ordinance in the category of expansion of a nonconforming use.



Zoning Board of
Adjustment

Town of New London

New London, New Hampshire

03257

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With respect to the second question, the zoning status of the (Williams, Jones, Andrews) Leger property, the Board finds that:

1. The main structure (residence) is almost entirely in the Commercial Zone.
2. The property does not front on Main Street but rather on the Green which is owned by the Town of New London. Access to the property in question is via Whipple Court.
3. Article VI, Section B-2 states "All commercial uses shall front only on the following streets, as shown on the Zoning Map: Gould Road, Newport Road, Main Street, Pleasant Street, County Road, New London Road (Elkins), Main Street (Elkins)".
4. The property in question had been used as a single family residence by the next previous owner (Andrews) until 1977.

Since the property does not front on any of the streets mentioned in Article VI it can not have commercial utilization. Therefore use as a rooming house would be a violation of the Zoning Ordinance.

It is regretted that answers to these questions could not be established before this date.

Sincerely yours,

Boyd H. Carr
Chairman
Zoning Board of Adjustment