

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment, Town of New London

Name of owner/applicant: PIERRE J. BEDARD

Mailing Address: PO BOX 239 WILMOT State: NH Zip 03287

Home Telephone: _____ Work Telephone: 603 526-4928 Cell: 603 340-0526

Email address: PJBEDARD@COMCAST.NET

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

Location of property SHAKER ST

Tax Map Number: 098 Lot Number: 017-000 Zone: ARR

A variance is requested from the provisions of Article: XXII Section: D.3.b. E. (1) of the Zoning Ordinance to permit DEVELOPMENT OF LOT WITH 3 BEDROOM DWELLING AND ON SITE SEPTIC SYSTEM + WELL

Facts supporting this request:

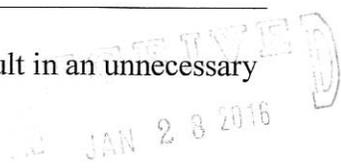
1. The variance will not be contrary to the public interest:
SEE ATTACHED

2. The spirit of the ordinance is observed: SEE ATTACHED

3. Substantial justice is done: SEE ATTACHED

4. The values of surrounding properties are not diminished; and:
SEE ATTACHED

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



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;

SEE ATTACHED

and

(2) The proposed use is a reasonable one;

SEE ATTACHED

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.

SEE ATTACHED

Owner/applicant(s) Signature:

Lucy St. John

Date: 11/17/15

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

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JAN 28 2016

PIERRE J. BEDARD & ASSOCIATES, P.C.

LAND USE CONSULTANTS, SURVEYORS, FORESTERS, & WETLAND SCIENTISTS
P. O. Box 238
WILMOT, NH 03287

Telephone 603 526-4928

e-mail: pjbedard@comcast.net

Property of
Sherman Barrett
Shaker St.
Tax Map 0098 Lot 017-000

Background

Sherman Barrett acquired this property on August 22, 1977 from George A. Darrah (Merrimack County Registry of Deeds Book 1303 Page 666). The property is a vacant lot. This lot was created in the early 1960's when Mr Darrah sold part of the land he acquired in 1960 (MCR Book 863 Page 093, 7/13/1960). This land comprises the subject lot and the two lots on either side.

We were retained in 2005 to design and obtain NHDES Approval for Construction for a 3 bedroom septic system (CA1009099499). This approval for construction has since expired (4 years) and it is the intent of Mr. Barrett to resubmit if the variance is granted.

"The property consists of 35,545 square feet (0.8 acres) more or less. The land is relatively level. There are poorly and very poorly drained soils at the rear of the property. The very poorly drained soils are associated with a perennial stream which is identified as being on the New London Streams Overlay District.. This feature and the fact that the existing non-conforming lot cannot be developed without encroaching on the 100 foot streams overly setback necessitates the need to request this variance in order to develop this residential lot in any manner.

FACTS SUPPORTING VARIANCE REQUEST UNDER

Article XXII, Section D.3. b. A natural woodland buffer 100 feet in depth shall be maintained from the ordinary high water mark of all streams as defined by this ordinance...

Article XXII, Section E. (1) Erection or construction of any new structures; & (2).Altering the natural surface configuration by the addition of fill or by dredging;

The variance will not be contrary to the public interest:

The lot has existed and been taxed as a residential lot since the early 1960's A new structure will only enhance the value of surrounding properties.

The spirit of the ordinance is observed:

The lot meet the conditions of Article XX. C. 2. "All Other Legal Nonforming Lots: Any other Lot with less area or Frontage than required which is lawfully established, recorded and taxed as a Lot of Record before the enactment or amendment of this Ordinance, shall be deemed a conforming Lot."

The two abutting properties that are smaller in size, currently have existing dwelling which also do not meet the requirement of this ordinance.

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The stream channel identified as being part of the streams overlay district is well over 100 feet from the proposed building site. The wetland boundary, which is within the setback, is a scrub shrub wetland.

Substantial justice is done: The property will be improved

1. The value of surrounding properties are not diminished; Surrounding property values should benefit from the addition of new structure in the neighborhood.

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

Mr. Barrett has owned the property since 1977 for over 38 years. He has paid taxes as a residential lot since he purchased it. He would like to sell the property as a residential lot. He has received NHDES approval for a 3 bedroom on site sewage disposal system. By denying the variance the use and value of the lot will be greatly reduced.

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;

As stated above, the property has existed and been taxed as a residential since its creation. Its size location and geometry make it impossible to meet the regulation.

_____ and

(2) The proposed use is a reasonable one;

The proposed impacts to the site are only those needed for a residential dwelling meeting all other setback requirements..

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.

As stated above, the two adjoining properties with existing residential dwellings also do not meet the requirements of this ordinance. These three properties were created prior to establishment of this article.

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Letter of Authorization

RE: Tax Map 098 Parcel 017-000, Shaker Street.

To Whom It May Concern:

I have authorized Pierre J. Bedard to act as my agent for matters presented before the Town of New London concerning the Variance requests on my property at Shaker Steet., Map 00098 Parcel 017-000.

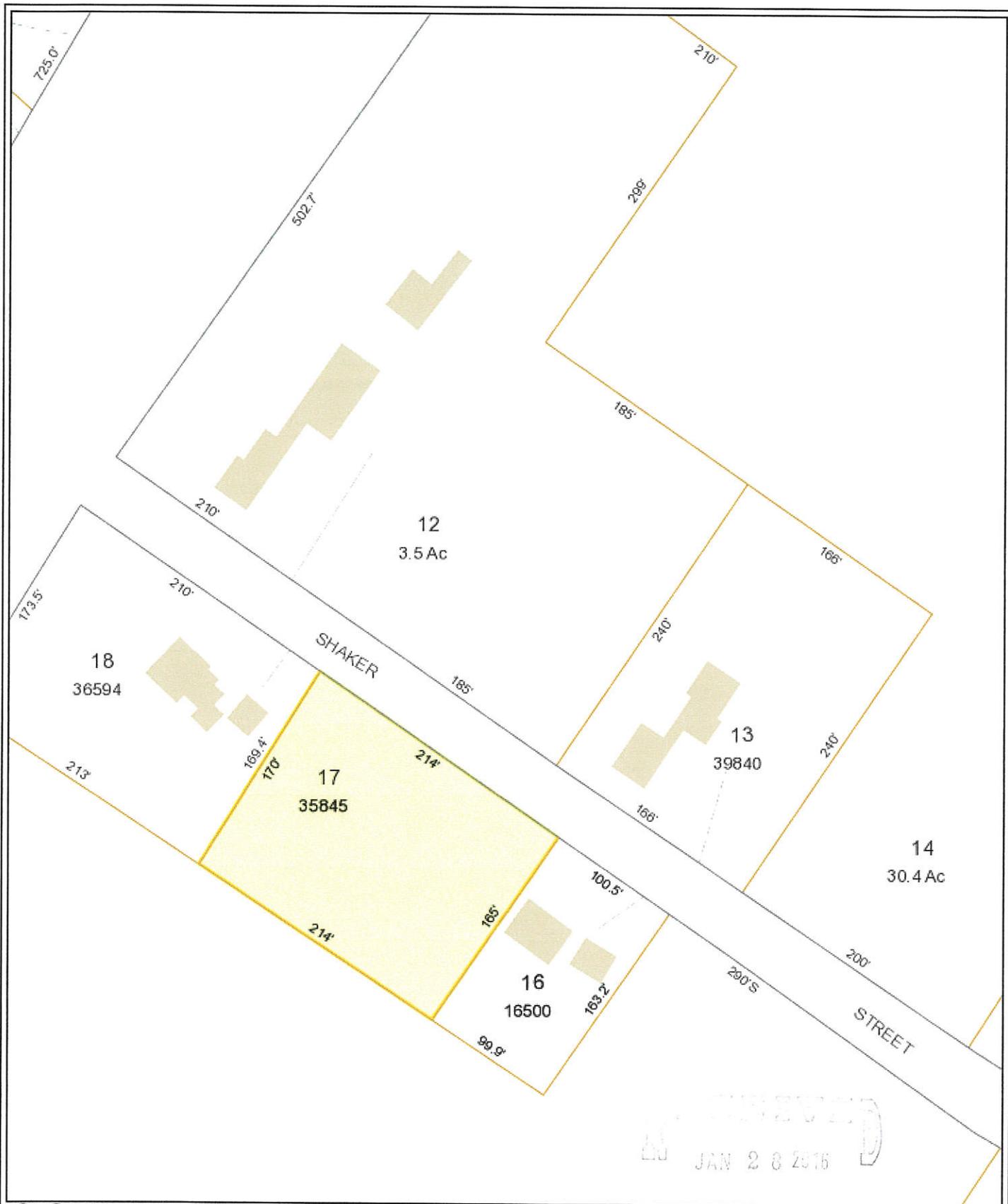
Thank you for your consideration of this matter.

Sincerely,

Sherman Barrett
Sherman Barrett

Date: 10/22/2015

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TM 098 L 017-000
 Tri Town, NH
 1 Inch = 100 Feet
 November 16, 2015



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200' Abutters List Report

Tri Town, NH
November 16, 2015

ZBA Application

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Subject Property:

Parcel Number: NewL-098-017-000
CAMA Number: NewL-098-017-000
Property Address: SHAKER STREET

Mailing Address: BARRETT SHERMAN
44 LONGMEADOW DRIVE
CONCORD, NH 03301

Abutters:

Parcel Number: NewL-098-012-000
CAMA Number: NewL-098-012-000
Property Address: 27 SHAKER STREET

Mailing Address: KELLETT ELIZABETH & JEREMY
27 SHAKER STREET
NEW LONDON, NH 03257

Parcel Number: NewL-098-013-000
CAMA Number: NewL-098-013-000
Property Address: 65 SHAKER STREET

Mailing Address: LYON DOUGLAS W TRUST LYON
DOUGLAS W TRUSTEE
63 SHAKER STREET
NEW LONDON, NH 03257

Parcel Number: NewL-098-014-000
CAMA Number: NewL-098-014-000
Property Address: SHAKER STREET

Mailing Address: DARRAH GEORGE & RICHARD REV
TRUST DARRAH GEORGE & JANE
TRUSTEES
35 EAST CORNING STREET
BEVERLY, MA 01915

Parcel Number: NewL-098-016-000
CAMA Number: NewL-098-016-000
Property Address: 60 SHAKER STREET

Mailing Address: DOW JESSE AND DANIELLE
88 LAUREL LANE
NEW LONDON, NH 03257

Parcel Number: NewL-098-018-000
CAMA Number: NewL-098-018-000
Property Address: 28 SHAKER STREET

Mailing Address: SHAIN JAMES I & MARY C
28 SHAKER STREET
NEW LONDON, NH 03257

Parcel Number: NewL-098-019-000
CAMA Number: NewL-098-019-000
Property Address: 416 ANDOVER ROAD

Mailing Address: DALTON JAMIE
PO BOX 472
LEBANON, NH 03766

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JAN 28 2016



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11.25

B1303P666

KNOW ALL MEN BY THESE PRESENTS, That I, GEORGE A. DARRAH, of the Town of New London, County of Merrimack and State of New Hampshire 03257,

for consideration paid, grant to SHERMAN H. BARRETT and HELEN BARRETT, husband and wife, of the Town of New London, County of Merrimack and State of New Hampshire, 03257, as Joint Tenants with all rights of survival, (Grantees mailing address: Shaker Road, New London, New Hampshire 03257)

with warranty covenants, the certain tract or parcel of land situated in the Town of New London, in the County of Merrimack and State of New Hampshire, bounded and described as follows, to wit:-

BEGINNING at a stone bound on the west side of Shaker Street, the same being at the east corner of the tract and the north corner of land of Sherman Barrett; thence

SOUTHWESTERLY about 165 feet along said land of Barrett to a stone bound at land of John Ballin, formerly land of Sawyer; thence

NORTH 39° 32' 30" WEST about 214 feet along said land of Ballin to an iron pipe at land of Collinson, formerly land of the grantor; thence

NORTHEASTERLY about 170 feet along said land of Collinson to an iron pipe on the west side of said Shaker Road; thence

SOUTHEASTERLY about 214 feet along the west side of said Shaker Road to the point of beginning.

MEANING AND INTENDING hereby to convey and describe a part or portion of Tract Two of the premises conveyed by Walter J. Sugden and Frederick Sugden to George A. Darrah and Eleanor P. Darrah by warranty deed dated July 13, 1960, recorded in the Merrimack County Registry of Deeds at Book 866, Page 93; said part or portion being all the remaining land owned by the grantor in said Tract Two.

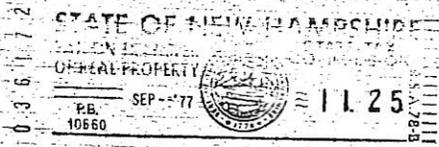
Grantor derives his title as the surviving joint tenant; the said Eleanor P. Darrah died about April 1970 in Beverly, Massachusetts, and her estate was probated in Essex County, Massachusetts.

THIS IS NOT HOMESTEAD PROPERTY.

See page 665

Kathleen M. Quay

REGISTER



AND I, the said grantor, release to said grantee all rights of homestead and other interests therein.

Witness, my hand and seal this 22 day of August, 1977

Witness Chandler M. Currier George A. Darrah

MERRIMACK COUNTY RECORDS RECORDED Sept. 8, 9-00A.M. 1977

State of New Hampshire

MERRIMACK ss.: August 22 A.D. 1977

Personally appeared George A. Darrah known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

MY COMMISSION EXPIRES 8/24/78 Before me, Chandler M. Currier Justice of the Peace - Notary Public B1303P666

RECORDED JAN 28 2016

NOT RECORDED WITH PROPER FEE

CURRENT OWNER BARRETT SHERMAN 44 LONGMEADOW DRIVE CONCORD, NH 03301 Additional Owners:	TOPO. 4 Rolling	UTILITIES 3 Unpaved	STRT./ROAD 3 Rural	LOCATION RES LAND	CURRENT ASSESSMENT Code 1300 Assessed Value 62,800 Appraised Value 62,800	2119 NEW LONDON, NH
SUPPLEMENTAL DATA Other ID: 00098 00017 00000 ZONE MP UTILITY WF Ward CONSERVA1 Prec. ROADFF GIS ID: 098-017-000	ASSOC PID#	SALE DATE	q/u	v/i	SALE PRICE	V.C.
RECORD OF OWNERSHIP BARRETT SHERMAN	BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.

EXEMPTIONS		OTHER ASSESSMENTS		PREVIOUS ASSESSMENTS (HISTORY)	
Year	Type	Description	Code	Amount	Comm. Int.
				0	0
				0	0
				0	0
				0	0
Total:					

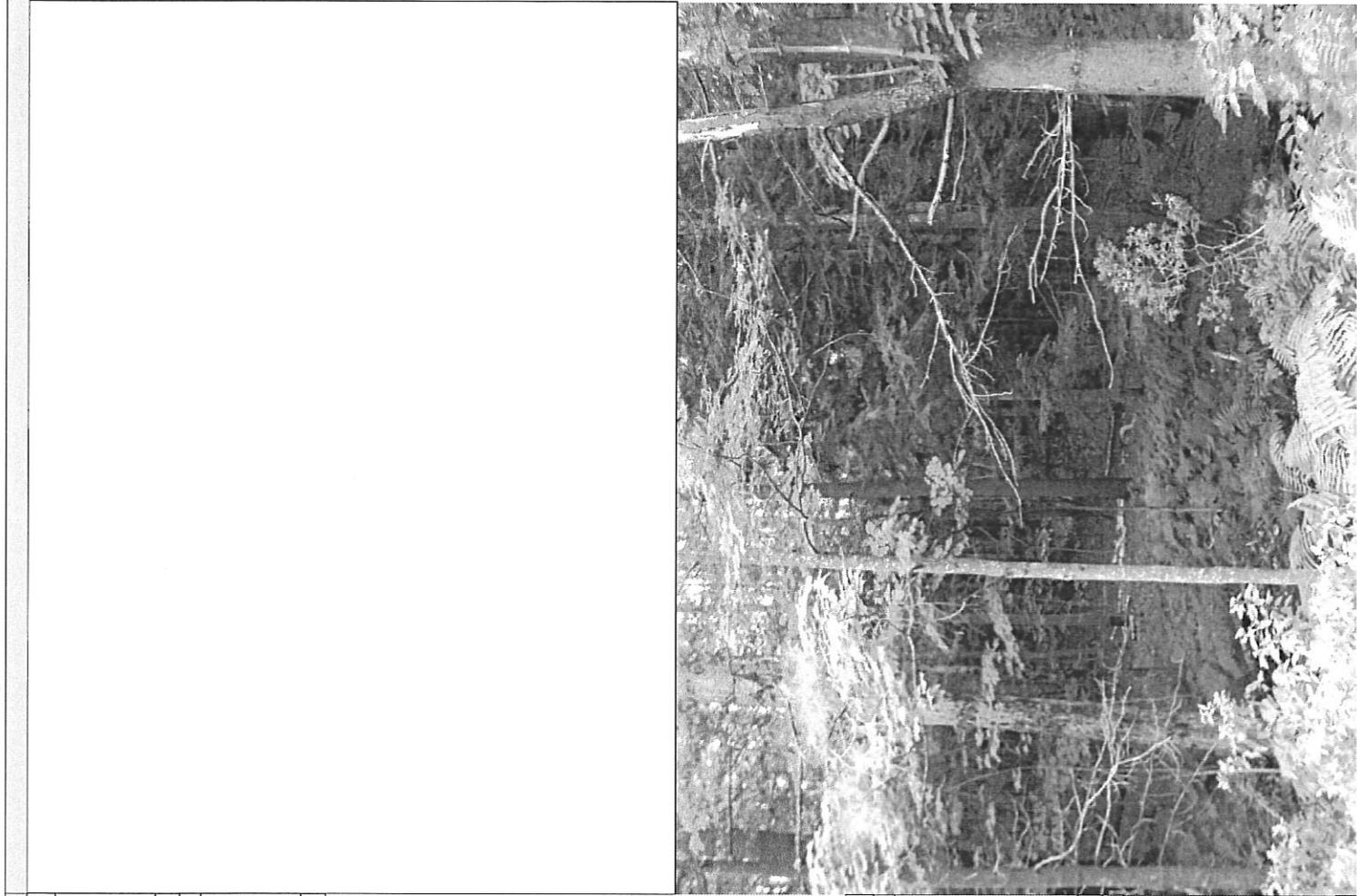
ASSESSING NEIGHBORHOOD
 Street Index Name: Tracing
 Batch: 0

NOTES
 99 CORRECTED SITE SIZE
 PER DEEDS
 NO CHANGE

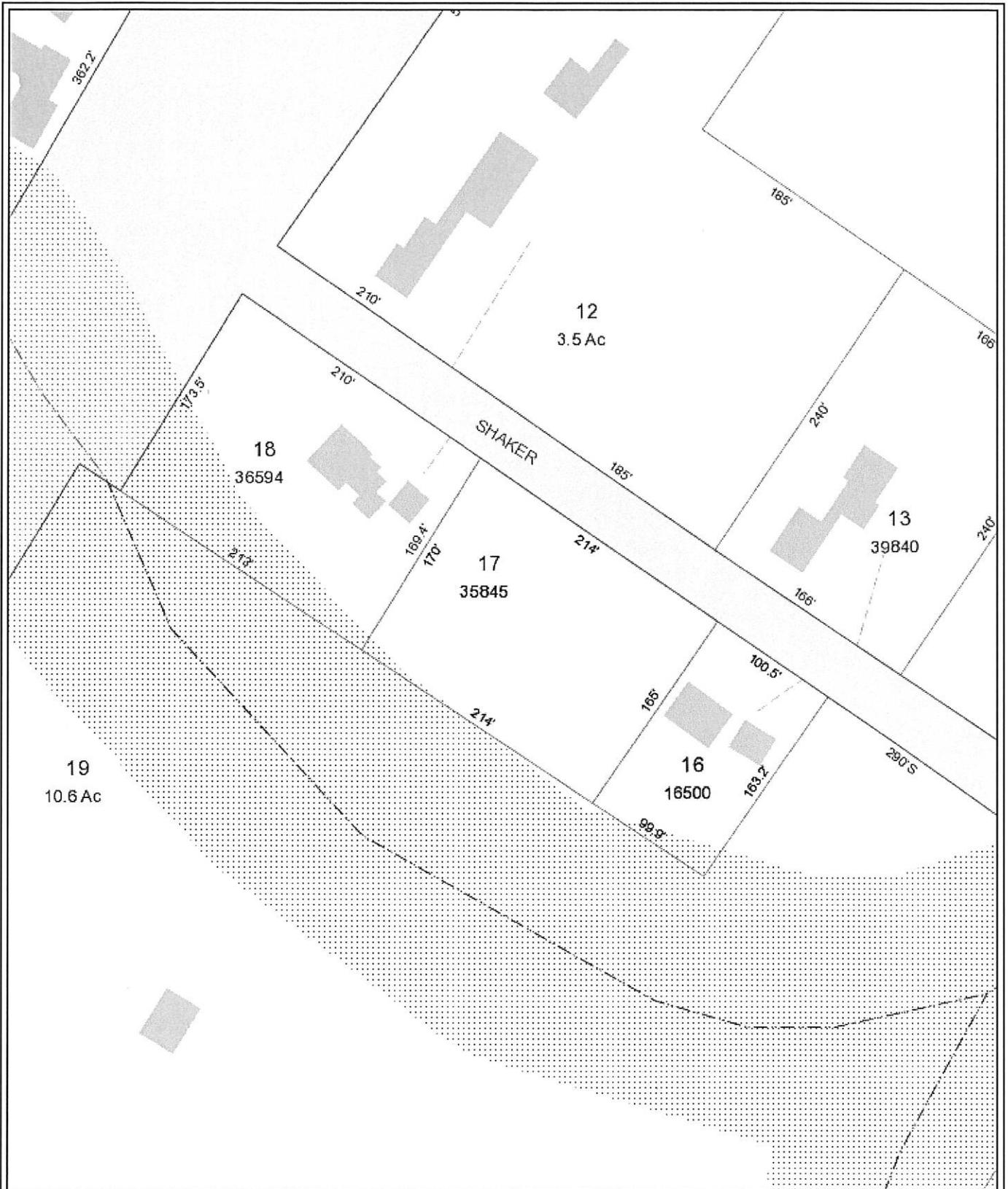
APPRAISED VALUE SUMMARY
 Appraised Bldg. Value (Card) 0
 Appraised XF (B) Value (Bldg) 0
 Appraised OB (L) Value (Bldg) 0
 Appraised Land Value (Bldg) 62,800
 Special Land Value 0
 Total Appraised Parcel Value 62,800
 Valuation Method: C
 Adjustment: 0
Net Total Appraised Parcel Value 62,800

BUILDING PERMIT RECORD		VISIT/CHANGE HISTORY	
Permit ID	Issue Date	Type	Description

LAND LINE VALUATION SECTION																	
B Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor	A. Disc	% Comp.	Date Comp.	Comments	Date	ID	Cd.	Purpose/Result	
1	RES ACLNDV	ARR		214		35,371	SF	2.34	1.0000	4	1.0000	1.00	43				ML MEASURE & LIST
																	ML MEASURE & LIST
Total Card Land Units: 0.81 AC													Parcel Total Land Area: 0.81 AC		Total Land Value: 62,800		



CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)						
Element	Description	Element	Description					
00	Vacant							
		MIXED USE						
Code	Description	Code	Percentage					
1300	RES ACLNDV		100					
		COST/MARKET VALUATION						
Adj:	Base Rate:		0.00					
	Net Other Adj:		0					
	Replace Cost		0.00					
	AYB		0					
	EYB		0					
	Dep Code							
	Remodel Rating							
	Year Remodeled							
	Dep %							
	Functional Obslnc							
	External Obslnc							
	Cost Trend Factor		1					
	Condition							
	% Complete							
	Overall % Cond							
	Apprais Val							
	Dep % Ovr		0					
	Dep Ovr Comment							
	Misc Imp Ovr		0					
	Misc Imp Ovr Comment							
	Cost to Cure Ovr		0					
	Cost to Cure Ovr Comment							
OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)								
Code	Description	Comment	Yr	Gde	Dp Rt	Chd	%Cnd	Apr Value
				BUILDING SUB-AREA SUMMARY SECTION				
Code	Description	Gross Area	Eff. Area	Unit Cost	Undeprc. Value			
		Ttl. Gross Liv/Lease Area:	0	0	0			



Barrett on Shaker Road TM 098-017-000 showing GIS Stream Overlay 100 feet

Tri Town, NH

1 Inch = 100 Feet

February 04, 2016



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TM 098-017 Wetland per GIS map
 Tri Town, NH
 1 Inch = 250 Feet
 August 10, 2015



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Pleasant Lake

New London
Streams & Wetland
MAP

Showing
0.98-017-000
Shaker Road

PLEASANT ST
QUARRY LN
DUCK INLET DR
KEY HILL RUN
WILMOT CENTER RD
BARTONS ROW
SHERMAN ST
HILLCREST RD
ELKINS RD
LAUREL LN
HEMLOCK LN
MOUNTAIN RD
BAKER RD
WILDER LN
SHAKER ST
COUNTRY CLUB LN
EAGLES NEST LN
SEAMANS RD
SARGENT RD
HALL FARM RD
BLUEBERRY LN
ANDOVER RD
WELLS WOOD RD
BELVUE DR
WILDER LN
OVERLOOK
SEASONS