



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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Date: December 4, 2019
To: Zoning Board of Adjustment
From: Nicole Gage, Zoning Administrator

Case #: #ZBA19-21 (Variance) and #ZBA19-22 (Variance)
Owner: TYLER KIPP & CATHERINE NEWICK
Applicant: Pierre J. Bedard
New Parcel ID 78 / 1 / 0 / 0 / 0
Address: 495 ELKINS RD
Zone(s): ZONE R-1 (without Water & Sewer) with Streams Conservation Overlay

Summary of the Case: Tyler Kipp and Catherine Newick are requesting a Variance from Article II Section 8 to permit installation/construction of a sewage disposal area less than 75-feet from a water body and well; and a Variance from Article XXII Section E to permit the erection of a new structure or alter the natural surface configuration in the Streams Overlay District.

I would like to also point out Article XXI Section E (#9) refers to prohibiting components of septic system in the Streams Conservation Overlay. Mr. Kipp and Mrs. Newick are looking to replace the septic system less than 75-feet Grist Mill Brook and less than 75-feet from their existing artesian well. They also plan to demolish the existing 5-bedroom 1850s house, and wish to build new 5-bedroom single-family home in the same or smaller footprint.

References to the Zoning Ordinance

Page	Article	Section	Part
5*	II*	8*	
	General Provisions	Individual Sewage Disposal System	
89*	XXII*	E*	(1, 2, 9)
	Streams Conservation Overlay District	Prohibited Uses	

*Appeal for Current Application

Description of Property: The property is a residential single or 2-family home in the historic Elkins Village. There was an apartment in the rear, and the Fire Chief ordered the owner back in 2017 to not rent it or allow it be occupied by the public. This house was built around 1850 and the lot is listed at approximately 1.0 acres with frontage on a town paved road, Elkins Road, and bound along the side and rear by Grist Mill Brook, which is an outflow of Pleasant Lake. The owners recently secured a Building Permit to demolish the house, while keeping the barn. I have notified the Health Officer, Fire Chief and Archivist about the potential demolition.

The existing house is a Legal Nonconforming Building because it existed prior to the adoption of zoning in 1958, and does not conform to today’s 25-ft Front Yard Setback requirement; and it does not conform to the 100-foot stream buffer of the Streams Conservation Overlay District.

The town holds a permanent Drainage easement over/under/through this property for ditches, culverts, pipes, catch basins or other facilities for drainage purposes.”

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Land Use History:

- 7/25/2011 Building Permit #11-063 issued to *“add 7-ft x 16-ft dormer & reroof”*
- 12/27/2011 Amendment to Building Permit #11-063 to *“combine & enlarge dormer by 9-ft westside, add one (1) 4-ft. dormer east side, new roof, rebuild porch, new windows in dormers”*
- 2/4/2013 Building Permit #13-007 issued for *“continuance of work on building”*
- 2/24/2015 “Drainage & Temporary Construction Easement” recorded at the Merrimack County Registry of Deeds, Book 3469, Page 2670.
- 5/26/2017 Letter of Concern, New London Fire Chief
- 11/20/2019 Conservation Commission reviewed the proposed Erosion & Sedimentation Control Plan
- 11/25/2019 Building Permit #19-165 issued for *“demolition of house / keep barn”* (Archives, Health Officer and Fire Chief notified of potential demolition)
- 11/26/2019 Letter from Zoning Administrator w/ zoning determination issued, denying request to rebuild due to the natural disaster referred to as the November 2018 “Storm Bruce”. Recommended variances for any new structures that cannot comply with today’s ordinance.