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November 3, 2015

Delivered via e-mail and US Mail

New London Zoning Board of Adjustment
c/o Lucy A. St. John, AICP
Planning and Zoning Administrator
375 Main Street
New London, NH 03257
zoning@nl-nh.com

Robert L. Stahlman's Application for a Variance

Dear New London Zoning Board of Adjustment:

This firm has been retained by Robert L. Stahlman to assist in regards to his request for a variance from the New London Zoning Board of Adjustment. Attached is our "Memorandum in Support of Robert L. Stahlman's Application for a Variance," an extensive memorandum outlining why this Board should grant Mr. Stahlman a variance. We apologize for the memorandum's length but believe it necessary in fully explaining why Mr. Stahlman meets the requirements for a variance as outlined in New Hampshire Revised Statutes § 674:33-I(b) and address any questions the Board may have regarding this application.

In summary, Mr. Stahlman owns the Stahlman Office Building located at 74 Pleasant Street in a limited commercial zone. It has become impossible for him to provide his tenants with adequate onsite parking for their employees, preventing him from leasing space and causing a current tenant to consider moving operations out of New London. As a result, Mr. Stahlman has gone through great expense and trouble in purchasing land in the back of his lot, a portion of the property located at 21 Gould Road zoned Urban Residential ("R-1") and owned by Donald and Eleane Greaney. Mr. Stahlman plans on using this portion to build a parking lot, which will allow him to provide adequate onsite parking for his tenants' employees.

On September 29, 2015, the Planning Board approved Mr. Stahlman's Subdivision and Annexation Plan to annex the portion of Greaney's property to his property but subject to obtaining a variance for the use. Mr. Stahlman is currently in the process of site plan approval. The Planning Board approval creates a split-zoned lot, meaning that Mr. Stahlman's combined property—although now to be one lot—is segmented by the zoning boundary of the R-1 and commercial districts. Mr. Stahlman, therefore, requests a variance from Article V Section A of the Town of New London Zoning Ordinance ("Ordinance") as to the portion of the property located at 21 Gould Road in the R-1 district to allow him to build a parking lot

behind his existing office building. Alternatively, Mr. Stahlman requests such relief as an accessory use to his commercial use.

As explained in the attached memorandum and restated in summary here, Mr. Stahlman has met his burden of showing his use of 21 Gould Road as a parking lot complies with the five part test outlined in New Hampshire Revised Statutes § 674:33-I(b) because it is not contrary to the public interest, observes the spirit of the Ordinance, substantial justice will be done, the values of surrounding properties will not be diminished, and literal enforcement of the Ordinance would result in an unnecessary hardship.

First, the variance will not be contrary to the public interest and the spirit of the Ordinance is observed because it will not harm landowners in the area and will encourage, not prevent, the accomplishment of the purposes of the zoning scheme. The parking lot is to be located at the back of the Stahlman Office Building in an increasingly commercial area of town. Thus, it will not alter, but conform to, the essential character of the neighborhood. Further, the parking lot and its proposed fence and detention pond will encourage the public safety, health, and welfare by lessening congestion that could impede vehicle and pedestrian traffic on the property and Pleasant Street, providing protection for the surrounding wetlands, and screening the residential section of the neighborhood from any noise generated from Pleasant Street.

Second, substantial justice will be done by granting the requested variance because the proposed parking lot is consistent with the area's present use, and allows a reasonable use with no injury to the public. Actually, a grant of the variance would benefit the public through commercial expansion, decreased traffic and congestion, increased tax revenue, and more jobs to the community.

Third, the surrounding property values will not be diminished because the proposed parking lot will not increase noise in the area, will decrease traffic and congestion in the area, will not negatively impact the aesthetics of the area due to existing trees and the proposed fence, and a parking lot is not an intense use compared to other uses allowed in the R-1 district.

Lastly, literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship because the split-zoned lot, wetlands, and lack of access to the main road provide for special conditions not present on other lots in the area; no fair and substantial relationship exists between the Ordinance and its application here; and the use as a parking lot is reasonable.

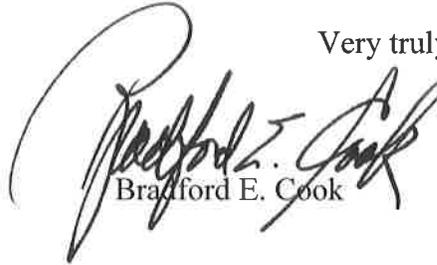
Alternatively, even though the application comes to this Board as a variance application, the Board retains jurisdiction to administratively determine, as here, that the proposed use is an accessory use not requiring a variance at all. The proposed parking lot is actually a permitted accessory use to the primary commercial use of 74 Pleasant Street as an office building. Thus, although Mr.

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Stahlman has met the requirements for a variance, this Board could also permit the proposed parking lot as an accessory use to the Stahlman Office Building.

We look forward to discussing this matter with you on Tuesday, November 10, 2015. Anna Barbara Hantz will make the presentation.
Thank you for your thoughtful consideration.

Very truly yours,



Bradford E. Cook



Anna Barbara Hantz

BEC/naf
Enclosure

cc: Robert Stahlman