



TOWN OF
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

Date: March 6, 2019

To: Zoning Board of Adjustment

From: Nicole Gage, Zoning Administrator

Re: Case #ZBA19-02 – Appeal of Administrative Decision.
Parcel ID 033-008-000, 18 Camp Sunapee Road.
Zoned R2 with Shore Land Overlay

References for the ZBA:

1. Page 80, New London Zoning Ordinance, Article XXI Board of Adjustment, Section F – Administrative Appeal
2. Pages II-3 thru II-5, Handbook for Local Officials December 2018
3. Page 79, New London Zoning Ordinance, Art. XX, Section. B.5.b.ii
4. See also Definitions of “Legal Nonconforming Building or Structure” and “Nonconforming Building or Structure”

Description of Property:

It is located on 18 Camp Sunapee Road and is near the intersections of Camp Sunapee Road, Dump Road and Little Sunapee Road. This lot is approximately 1.60 acres adjacent to a town property, Bucklin Beach, and is supported by private well and private septic. It is completely located within the 250-foot Shore Land Overlay District and has lake frontage on the public water body known as Little Sunapee Lake. A significant portion of the lot is designated wetlands (according to the survey provided by the applicant). It was subdivided in 1969 at which time it had a cottage (built in 1965) which still stands today, straddling the 50-foot waterfront buffer. In 1973 a house was constructed on the property, which is the subject of this appeal. The house also straddles the 50-foot waterfront buffer. There is currently a 3rd structure on the property, a garage, which is an accessory structure. This lot was recently purchased by Ton-Ko-Lah LLC, which also purchased two abutting properties (033-007-000 & 033-003-000).

Comments:

I met with the applicant, his assistant, and the Planner on 1/9/2019 to review a proposal to replace one of the two (2) dwelling units straddling the 50-foot waterfront buffer, with a new and larger house that would also straddle the 50-foot waterfront buffer. After much discussion during our meeting, including the meaning of Article XX in regards to voluntarily replacing a non-conforming structure versus expanding it, I agreed to consider the proposal further and get back to them in writing.

After consulting with the town attorney, the town administrator and the town planner, I emailed Mr. Bonin my final interpretation on January 23rd, which is what Mr. Bonin is now appealing (SEE BELOW).

“The conclusion is that Article XX Section B.5.b.ii requires that a voluntary tear down of a building, or relocation, would require that the new structure be built to conform with zoning. The same would also apply if a non-conforming structure was altered in that 50% plus capacity described in that section of the ordinance.”

- SOURCE: January 23rd email

SEE ATTACHMENT A-1 for the January 23rd e-mail and the Site Sketch in question.

I researched the Permits and Cases the applicant lists in his application attachment, and this is what I came up with, below.

#1.a: SEE ATTACHMENT A re Carlson’s on Lamson Lane, 062-008-000

There was no “reversal” of my interpretation. After we issued Building Permit #17-147, an abutter filed an Appeal of Administrative Decision and construction came to a halt. Ultimately, the two property owners negotiated with each other and the Appeal was withdrawn before it got to the ZBA. The reasonable time to appeal the issue of that Building Permit has since ended, per NH RSA 676:5,I.

#2.a SEE ATTACHMENT B re Morgan & Shive on Little Sunapee Rd, 033-015-000

This took place in 201 under a former administrator. Before issuing Building Permit #16-075, the ZBA *did* grant a Variance from the part of ordinance that referred to the 50-foot waterfront buffer, which appears to be the part of the ordinance that made the replacement structure non-conforming.

#2.b.i SEE ATTACHMENT A re Carlson’s on Lamson Lane, 062-008-000

same as #1.a above

#2.b.ii SEE ATTACHMENT B re Morgan/Shive on Little Sunapee Rd, 033-015-000

same as #2.a above

March 6, 2019

Memo to Zoning Board of Adjustment

#2.b.iii *SEE ATTACHMENT C re Wustrow on Forest Acres Rd, 119-020-000*

This took place in 2015 under a former administrator. Before issuing Building Permit #15-109 in 2015, the ZBA *did* grant a Variance from the part of ordinance that referred to the 50-foot waterfront buffer, which appears to be the part of the ordinance that made the replacement structure non-conforming. In 2016, that part of the ordinance was moved to a different section of the Ordinance.

#2b.iv *SEE ATTACHMENT D re Mere Bluff LLC on Boulder Pt, 115-003-000*

This took place in 2015 under a former administrator. Regarding Building Permit 15-013, the new structure appears to have been built to conform to all setbacks, which makes it a different situation than this appeal.

#3.a *SEE ATTACHMENT E re Raoul & Karen LLC on Boulder Pt, 115-002-000*

Building permit #16-059 was issued by a former Zoning Administrator, Ms. St. John, and was for rebuilding after a fire and in the flood plain. The regulations regarding rebuilding a non-conforming structure destroyed by fire is a different part of the ordinance that Mr. Bonin is appealing here. See ZA's correspondence regarding the parts of the ordinance that were considered at that time.

#4 *SEE ATTACHMENT F re ZBA deliberations for Wustrow, 9/14/2015*

Regarding applicant's statement #4 regarding ambiguity, and the quote: "*and that the language in the ordinance is quite confusing, convoluted, contradictory and circular*": that was extracted from 2015 ZBA minutes, before those parts of the ordinances were amended in 2016. The part of the minutes quoted come from a bulleted list of comments from the ZBA members as they deliberated the Variance requests in Wustrow (see #2.b.iii above).

2b.v *SEE ATTACHMENT G re Muller on Herrick Cove Ln, 091-020-000*

Building Permit #BP #13-122a issued in 2013 was reviewed by a former Zoning Administrator. Looking at the Existing and Proposed Site plans, clearly both the old house and the replacement house were conforming to all the setbacks. It is not the same type of situation as this Appeal.

ATTACHMENT A-1

Nicole Gage

From: Nicole Gage
Sent: Wednesday, January 23, 2019 10:13 AM
To: Jeremy Bonin
Cc: Kim Hallquist, Town Administrator; Adam Ricker
Subject: Voluntary Replacement of a Legal Non-Conforming Structure

Hi Jeremy.

I met with Adam and Kim yesterday, and we reviewed our Legal Counsel's response to the question about voluntarily taking down a non-conforming structure. The conclusion is that Article XX Section B.5.b.ii requires that a voluntary tear down of a building, or relocation, would require that the new structure be built to conform with zoning. The same would also apply if a non-conforming structure was altered in that 50% plus capacity described in that section of the ordinance.

As you know, we are tied to the constraints of the ordinance as it is written. However if you disagree with my interpretation of the ordinance, I encourage you to file an Appeal of an Administrative Decision. The Zoning Board of Adjustment has the authority to reverse this interpretation, should they determine there is an error in the interpretation of reading Article XX Section B. Please see New London Zoning Ordinance Article XXI Section E & F and RSA 674:33 and 676:5 for more information on the appeal process.

Should you wish to file an Appeal of an Administrative Decision, you would need to do so within 20 days of receipt of this email, which is the "reasonable time" mentioned in XXI.E and then defined in the Zoning Board of Adjustment's Rules of Procedure.

Please let me know if you have any questions about the appeal application process. Or if you have any questions or need help with anything else at this time. Thanks Jeremy.

CC: Kimberly Hallquist, Town Administrator / Adam Ricker, Town Planner

Nicole Gage
Zoning Administrator
Town of New London, NH
Email zoning@nl-nh.com / Web www.nl-nh.com
Direct (603) 526-1246 / Town Office (603) 526-4821

CONFIDENTIALITY NOTICE: Privacy should not be assumed with emails associated with town business. Certain emails are public documents and may be subject to disclosure. This electronic message, and any attachments, may contain information that is confidential and/or legally privileged in accordance with NH RSA 91-A and other applicable laws or regulations. This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy/delete all copies of the original message.

LEGEND

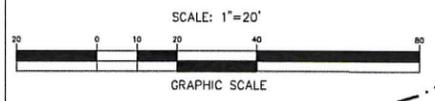
EXISTING CONDITIONS

- PROPERTY LINE
- SETBACK LINE
- STONE WALL/RETAINING WALL
- EDGE OF WETLAND
- STREAM/RIVER
- TREELINE
- SHRUBS/PLANTS
- EDGE OF ROAD
- OHW
- OVERHEAD WIRE
- UNDERGROUND ELECTRIC
- X X UNDERGROUND TELECOM
- UGC UNDERGROUND CABLE
- D D DRAIN LINE
- MAJOR CONTOUR
- MINOR CONTOUR
- SWALE FLOW DIRECTION
- UTILITY POLE
- SIGN POST
- TEST PIT LOCATION
- BENCHMARK
- MONUMENTATION
- TRAIL
- APPROXIMATE PROPERTY LINE
- PHOTO LOCATION
- SOIL GROUP

EXISTING UNALTERED AREA CALCULATIONS (SF)	
TOTAL AREA 50'-150'	40,296
EXISTING UNALTERED AREA	26,151
MINIMUM AREA TO REMAIN UNALTERED (25%)	10,074
EXISTING UNALTERED (%)	64.9%

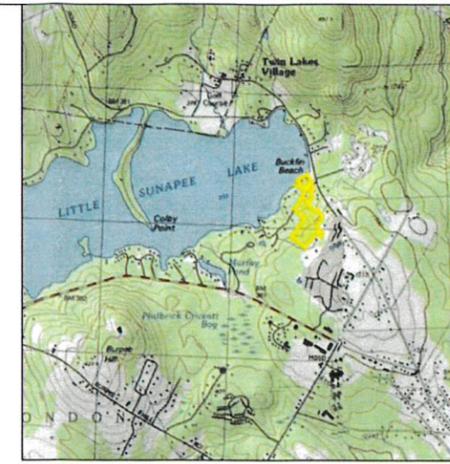
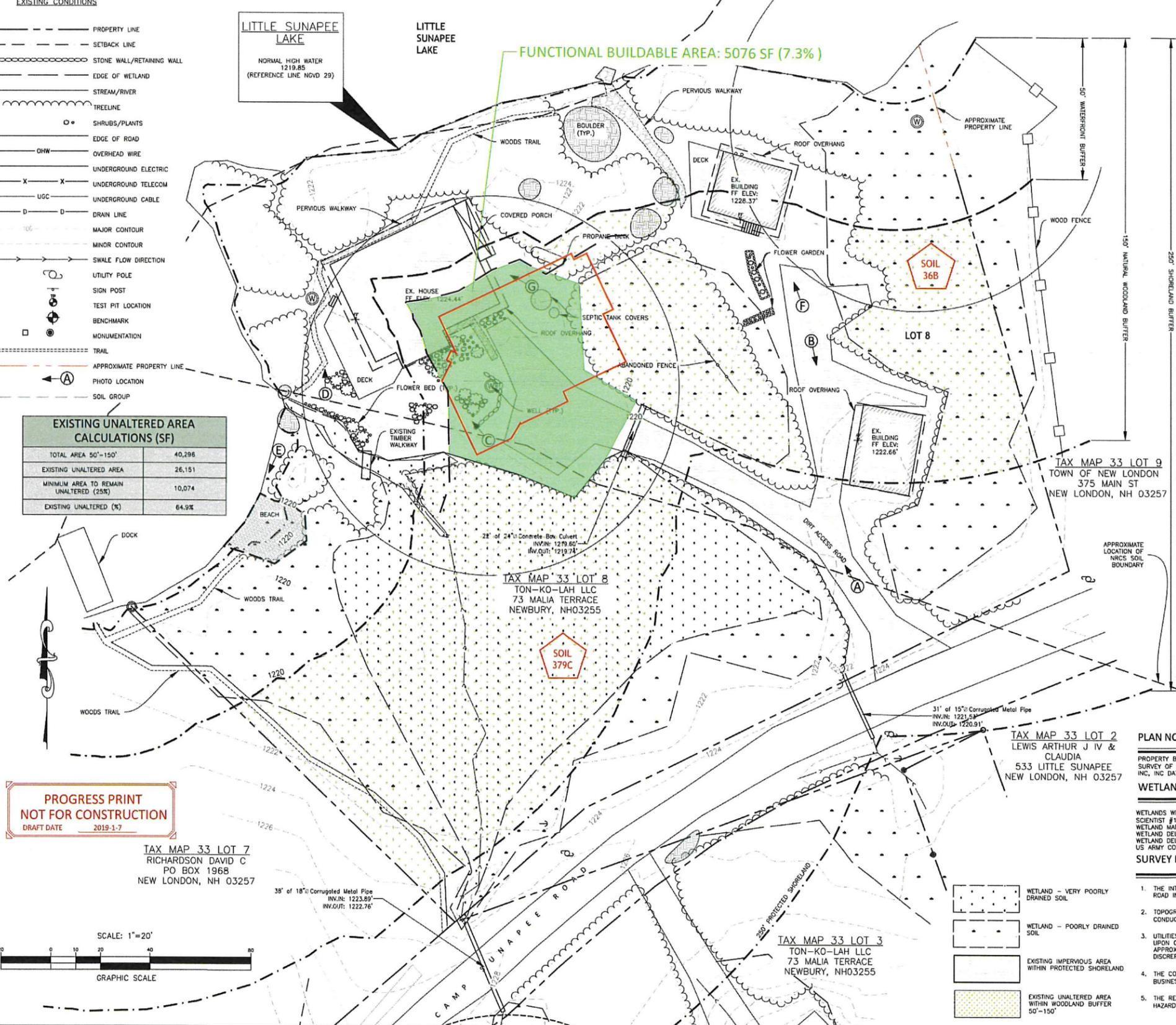
PROGRESS PRINT
NOT FOR CONSTRUCTION
 DRAFT DATE 2019-1-7

TAX MAP 33 LOT 7
 RICHARDSON DAVID C
 PO BOX 1968
 NEW LONDON, NH 03257



LITTLE SUNAPEE LAKE
 NORMAL HIGH WATER
 1219.85
 (REFERENCE LINE NGVD 29)

FUNCTIONAL BUILDABLE AREA: 5076 SF (7.3%)



LOCATION MAP
 1"=2000'

18 CAMP SUNAPEE ROAD

- NOTES:
- OWNER OF RECORD/APPLICANT:
 TON-KO-LAH LLC
 PO BOX 330
 NEWBURY, NH 03255
 - TAX MAP 33 LOT 8
 LOT AREA: ±1.6 ACRES
 PARCEL IS IN THE R2 ZONING DISTRICT
 FRONT SETBACK: 25'
 SIDE SETBACK: 50' AGGREGATE (20' MINIMUM)
 REAR SETBACK: 15'

41 CAMP SUNAPEE ROAD

- NOTES:
- OWNER OF RECORD/APPLICANT:
 TON-KO-LAH LLC
 PO BOX 330
 NEWBURY, NH 03255
 - TAX MAP 33 LOT 3
 LOT AREA: ±1.6 ACRES
 PARCEL IS IN THE R2 ZONING DISTRICT
 FRONT SETBACK: 25'
 SIDE SETBACK: 50' AGGREGATE (20' MINIMUM)
 REAR SETBACK: 15'

CAMP SUNAPEE ROAD

- NOTES:
- OWNER OF RECORD/APPLICANT:
 TON-KO-LAH LLC
 PO BOX 330
 NEWBURY, NH 03255
 - TAX MAP 46 LOT 19
 LOT AREA: ±10.7 ACRES
 PARCEL IS IN THE R2 ZONING DISTRICT
 FRONT SETBACK: 25'
 SIDE SETBACK: 50' AGGREGATE (20' MINIMUM)
 REAR SETBACK: 15'

IMPERVIOUS AREA CALCS	
GARAGE	931
HOUSE & DECK	3,578
COTTAGE	1,213
DRIVEWAY & PARKING	5,818
TOTAL IMPERVIOUS AREA WITHIN 250' SHORELAND PROTECTED AREA	11,540
TOTAL AREA WITHIN 250' SHORELAND PROTECTED AREA	69,696
% IMPERVIOUS	16.6%

PLAN NOTES:

PROPERTY BOUNDARY INFORMATION IS GENERATED FROM A SUBDIVISION PLAN TITLED "PLAN OF SURVEY OF PROPOSED EASEMENT TO ARTHUR J. LEWIS IV & CLAUDIA D. LEWIS" BY LEWIS & WASHNA, INC. INC DATED JUNE 20, 2014.

WETLAND NOTES:

WETLANDS WERE DELINEATED FOR TAX MAP 33 LOT 8 BY THOMAS SOKOLOSKI, CERTIFIED WETLAND SCIENTIST #127, OF TES ENVIRONMENTAL CONSULTANTS, L.L.C. OF BOW, NH, PERFORMED THE WETLAND MAPPING ON APRIL 27 AND MAY 3, 2018 ACCORDING TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTH-CENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012, U.S. ARMY CORPS OF ENGINEERS.

SURVEY NOTES

- THE INTENT OF THIS PLAN IS TO SHOW EXISTING SITE CONDITIONS ALONG CAMP SUNAPEE ROAD IN NEW LONDON, NH.
- TOPOGRAPHIC, BOUNDARY SURVEY AND PLANIMETRIC INFORMATION IS BASED ON A SURVEY CONDUCTED BY CLD | FUSS & O'NEILL INC. IN MAY, 2018. VERTICAL DATUM NGVD 1929.
- UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING UTILITIES. ALL DISCREPANCIES SHALL BE REPORTED TO THE TOWN AND ENGINEER.
- THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) A MINIMUM OF AT LEAST 3 BUSINESS DAYS (72 WORKING HOURS) PRIOR TO ANY CONSTRUCTION.
- THE RESIDENCE, COTTAGE, AND GARAGE ARE NOT LOCATED IN THE FEMA SPECIAL FLOOD HAZARD AREA AS PER THE LETTERS OF MAP AMENDMENT FOR CASE # 18-01-0525A

- WETLAND - VERY POORLY DRAINED SOIL
- WETLAND - POORLY DRAINED SOIL
- EXISTING IMPERVIOUS AREA WITHIN PROTECTED SHORELAND
- EXISTING UNALTERED AREA WITHIN WOODLAND BUFFER 50'-150'

NO.	DATE	REVISION	DESIGNED:	CHECKED:	APPROVED:
1	1/3/18	UPDATE BUILDINGS WITH OVERHANGS	CTN	CTN	CTN

FUSS & O'NEILL
 250 BURLINGTON ROAD, SUITE 408
 WHITE RIVER JUNCTION, VT 05601
 WWW.FUSSANDONEILL.COM

JOHN MULLER
 P.O. BOX 330
 NEWBURY, NH 03255

TAX MAP 33 LOT 8
 18 CAMP SUNAPEE ROAD
 NEW LONDON, NH
EXISTING CONDITIONS PLAN

SCALE: AS SHOWN	PROJECT NO. 18-0439
DATE: JUNE, 2018	DWG. NO. L8 EX

ATTACHMENT A

SHEEHAN PHINNEY

Manchester, NH | Concord, NH | Hanover, NH | Boston, MA

Susan A. Manchester, Esq.
Direct Dial: 603-627-8245
Email: smanchester@sheehan.com

Reply to: Manchester Office
1000 Elm Street, PO Box 3701
Manchester, NH 03101-3701

April 6, 2018

Nicole Gage, Zoning Administrator, Town of New London
Kimberly A. Hallquist, Town Administrator, Town of New London
Nancy L. Rollins, Chairman, Town of New London Board of Selectmen
Douglas W. Lyon, Chairman, Town of New London Zoning Board of Adjustment
375 Main Street
New London, NH 03257



Re: 293 Lamson Lane, New London, New Hampshire

Ladies and Gentlemen:

This office represents John Ryan who resides at 295 Lamson Lane, New London, New Hampshire. He called us because, last week, it came to his attention that his neighbor (293 Lamson Lane) was rebuilding his house very close to his lot line.

Our client obtained a copy of the building permit on April 5, 2018 (#17-147) and it supports his belief that the building being constructed is only twelve (12) feet from his lot line.

Under Article V Section C(2) of the Zoning Ordinance, a minimum of 20 feet is required. The building permit does not reference any variance for the set back.

Assuming, arguendo, that the prior structures were legal nonconforming structures, we do not understand why Article XX, Section B(5)(b)(ii) of the Ordinance does not apply. According to Article XX, Section B(5)(b)(ii), "the voluntary replacement of a Legal Nonconforming Building or Structure... is permitted only if it complies with all of the standards of the Ordinance, including the aspect that makes the existing Building or Structure nonconforming."

While at Town Hall, our client asked if there was a form to appeal. He was advised that there was no appeal form per se and that we should address this in a letter to you. Please accept this letter as our appeal/objection to the construction of a building closer than 20 feet to the side lot line.

Very truly yours,

Susan A. Manchester

cc: John Ryan



TOWN OF
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

April 10, 2018

Timothy & Lucinda Carlson

RE: 293 Lamson Lane, New London, New Hampshire

Dear Mr. & Mrs. Carlson:

On April 9th we received an appeal/objection concerning the construction at 293 Lamson Lane. Enclosed is a copy of that letter and our response.

In accordance with the New London Zoning Ordinance, Article XXI – Board of Adjustment, Section E – Appeals to the Zoning Board of Adjustment:

Work may not continue during an appeal unless the administrative officer states that work stoppage will cause imminent peril to life and property.

As such, all construction work pertaining to the structure at 293 Lamson Lane must stop immediately until the appeal is heard by the New London Zoning Board of Adjustment.

Once we receive the completed application form, it will be processed and you will be advised of a hearing date.

Sincerely,

A handwritten signature in cursive script that reads "Nicole Gage".

Nicole Gage
Zoning Administrator

CC: Kimberly Hallquist, Town Administrator
Jeremy Bonin, Architect
Peter Swislosky, Granite Roots Construction



TOWN OF
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

April 10, 2018

Susan A. Manchester, Esq.
Sheehan Phinney
1000 Elm St.
PO Box 3701
Manchester, NH 03101-3701

RE: 293 Lamson Lane, New London, New Hampshire

Dear Ms. Manchester:

I acknowledge that your letter regarding an appeal/objection dated April 6th was received by the Town on April 9th and must be supplemented with an application. I have enclosed the application and instructions form for your use, which is also readily available on our website our website, www.nl-nh.com, under Boards & Committees – Zoning Board of Adjustment – Permits & Applications.

The application should be submitted to the Town within one week. It will then be processed, and you will be advised of a hearing date.

Sincerely,

Nicole Gage
Zoning Administrator

CC: Timothy & Lucinda Carlson
Kimberly Hallquist, Town Administrator



TOWN OF
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

NOTICE OF PUBLIC HEARING

NEW LONDON
ZONING BOARD OF ADJUSTMENT (ZBA)

Monday, May 7, 2018
Town Office
Sydney Crook Conference Room
375 Main Street
6:30 PM

Public Meeting - All Are Welcome to Attend

- **Case #ZBA18-03 – John Ryan, Applicant** concerning property owned by Timothy & Lucinda Carlson located at 293 Lamson Lane, Parcel ID 062-008-000, zoned Residential District R-2 (R2) in the Shoreland Overlay District. Appeal of an Administrative Decision, involving Article V, Section C(2) and Article XX Section B(5)(b)(ii) of the Zoning Ordinance that a building permit unlawfully permits owner of 293 Lamson Lane to voluntarily replace an existing structure within twelve (12) feet from side lot line.

Notice is hereby given that the ZBA will conduct a public hearing regarding the application(s) listed above. All abutters and other interested parties may attend and or submit written comments. Written comments will become part of the public record and provided to the Board for the discussion.

The applications, plans and other information submitted are available for public review at the Town Office during regular office hours, and will also be available at the Zoning Board of Adjustment (ZBA) meeting. Information is also included on the Town's website. Please contact Nicole Gage Mo(603) 526-1246 to review the files or if you have any questions.

Douglas W. Lyon, Chair
New London Zoning Board of Adjustment

Nicole Gage

From: Nicole Gage
Sent: Thursday, April 19, 2018 9:42 AM
To: Cary Lagace; Town Administrator
Subject: Potential application from Carlson's

Hi Cary:

In speaking with the Carlson's attorney this morning, they intend to file a Variance in our office by Thursday April 26, so we can do the abutter mailing on Friday April 27th. Can you please pencil some time for Friday 4/27 so we can jump right on getting those to the post office, newspaper, posting, etc? This will allow their variance to be held the same night as the neighbor's appeal (May 7th).

Thank you!

CC: Kim Hallquist

Nicole Gage
Zoning Administrator
Town of New London, NH
Email zoning@nl-nh.com / Web www.nl-nh.com
Direct (603) 526-1246 / Town Office (603) 526-4821

CONFIDENTIALITY NOTICE: Privacy should not be assumed with emails associated with town business. Certain emails are public documents and may be subject to disclosure.



TOWN OF
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

**ZONING BOARD OF ADJUSTMENT (ZBA)
MEETING MINUTES
Tuesday, May 7, 2018 at 6:30 PM**

MEMBERS PRESENT: Douglas W. Lyon (Chair), W. Michael Todd, Katharine Fischer, Frank Anzalone, Bruce Hudson (Alt.), Stan Bright (Alt.)

MEMBERS EXCUSED: Ann Bedard, Heidi Lauridsen (Alt.).

STAFF PRESENT: Nicole Gage, Zoning Administrator

1. Call to Order - Chair Lyon called the meeting to order at 6:32 pm.
2. Roll Call – Chair Lyon welcomed Stan Bright to the Zoning Board of Adjustment.
3. Review Minutes of April 17, 2018

IT WAS MOVED (W. Michael Todd) AND SECONDED (Doug Lyon) to approve the minutes from the April 17, 2018 meeting with the amendment to add “Mr. Bowers presented the following information in support of his request for variance”. THE MOTION WAS APPROVED UNANIMOUSLY.

Katharine Fischer discussed her concern that when Mr. Bowers presented his case, he read from the form. It’s misleading to read it in the minutes because it makes it look like the Zoning Board accepted it as fact. She suggests that before #1 it be stated that “Mr. Bower’s presented the following information in support of his request for a variance”. Mr. Todd stated that the minutes should only reflect general comments about discussion that occurs at the meeting. As much as we want to do a thorough job, we only need to do what the courts require.

4. Case #ZBA18-03 – John Ryan, Applicant concerning property owned by Timothy & Lucinda Carlson located at 293 Lamson Lane, Parcel ID 062-008-000, zoned Residential District R-2 (R2) in the Shoreland Overlay District. Appeal of an Administrative Decision, involving Article V, Section C(2) and Article XX Section B(5)(b)(ii) of the Zoning Ordinance that a building permit unlawfully permits owner of 293 Lamson Lane to voluntarily replace an existing structure within twelve (12) feet from side lot line.

IT WAS MOVED (Doug Lyon) AND SECONDED (Frank Anzalone) to accept the withdrawal of the application and to lift the stop work order on the Carlson’s so work can begin again on this project tomorrow. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (W. Michael Todd) AND SECONDED (Doug Lyon) to prepare a letter or document asking the Board of Selectmen to amend the building permit application to include a voluntary/involuntary check box when there is a demolition involved.

DISCUSSION:

The board discussed the difference between an expansion, a rebuild, a voluntary demolition and an

ATTACHMENT B

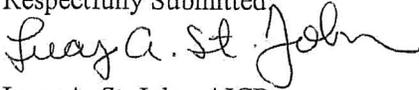


TOWN OF
 NEW LONDON, NEW HAMPSHIRE
 375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

ZONING BOARD OF ADJUSTMENT
 (ZBA)
 NOTICE OF DECISION
 Monday, June 27, 2016

Refer to the agenda and meeting minutes for additional details of the discussion.

- Messer, Paul and Linda Irrevocable Trust. Property located at 600 Bunker Road. Tax Map 076-031-000. Property zoned Residential (R-2), and Shoreland Overlay District. Variances requested to Article V, Residential District, C. Yard Requirements, C (1 & 2). Plan prepared by Robert Stewart, Jr., of RCS Designs. **Public Hearing continued at the request of the applicant to the Thursday, July 14th meeting to be held at Tracy Memorial Library located at 304 Main Street, at 6:30 pm.**
- Colby Sawyer College. Property located at 541 Main Street. Tax Map 085-033-000. Property zoned Institutional District. Variance requested to Article II, General Provisions, Section #10- Sign Regulations, (d) Signs Not Requiring A Permit # 3- for a temporary building contractor construction sign no larger than four (4) square feet. Applicant proposes a temporary 4 ft. x 8 ft. sign, 32 square feet advertising the building contractor for the Fine & Performing Arts Center. **Variance approved for a temporary sign not to exceed fifteen (15) square feet (same size that is allowed for a permanent sign), sign to be attached to the construction fence internal to the campus, and the sign shall not be visible to any abutters.**
- Michael Morgan & Laurie Schive (previous owners Peter & Susan Moore (2012)). Property located at 721 Little Sunapee Road. Tax Map 033-015-000. Property zoned R-2 Residential. Variances requested to Article XVI, Shoreland Overlay District, and **Section C. Permitted Uses (C. 2) for the construction of 309 square feet of impervious surface and a pervious patio in the 50' Waterfront Buffer** and Section F. Waterfront Buffer for disturbance to the waterfront buffer. **Variance approved as presented.**

Respectfully Submitted:

 Lucy A. St. John, AICP
 Planning and Zoning Administrator

↑
 BP# 16-075
 issued
 July 2016

Per RSA 674:33 the concurring vote of 3 members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass. Persons who are aggrieved by the decision of the ZBA are advised to seek legal counsel as they deem appropriate and to review applicable laws including but not limited to RSA 677 Rehearing and Appeal Procedures, RSA 674:33 Powers of the Zoning Board of Adjustment, RSA 676:3 Issuance of Decision and other NH State Statutes and Laws which may apply. This notice is for general informational purposes and in no way shall convey any legal advice.

ATTACHMENT C



TOWN OF
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

NOTICE OF DECISION
Zoning Board of Adjustment (ZBA)
Monday, September 14, 2015

The Zoning Board of Adjustment made the following decision(s) at the Monday, September 14, 2015 meeting. Refer to the agenda, public hearing notice and meeting minutes for additional details of the discussion.

- ✓ Variance application for Anne and David Wustrow. Property located at 575 Forest Acres Road. Tax Map 119-020-000. Property zoned Residential, R-2. Variances requested to Article XVI, Shoreland Overlay District – C. Permitted Uses (C.2); G. Waterfront Buffer (G.2. b); and J. Nonconforming Buildings and Structures- (J.1 and J2); and Article XX Nonconforming – (B.1.) and (B.3.b.2.). The Board determined that variances were only required to Article XVI, Shoreland Overlay District provisions C.2 and G.2.b. The Board concurred that the five conditions for approving the variances were met. The variances were approved with the following conditions:
1. The tree (1) to be cut and approved by the Planning Board can be removed but the stump must remain. The stump maybe grinded and filled over with earthen materials but no digging of the stump or roots shall be permitted.
 2. No wing walls may be used to support the porch areas, precast support piers shall be used.
 3. No future building expansion is permitted for any part of the new structure including any part of the structure that is conforming or any part of the structure which is nonconforming.
 4. Areas of disturbance shall be replanted with non-invasive plants per the NH Department of Environmental Services (NHDES) list.
 5. As-built plans shall be recorded at the Merrimack County Registry of Deeds (MCRD) upon completion and within one (1) year from the date the building permit is issued by the Town. The recorded as-built plan shall include a plan note stating the conditions of the September 14, 2015 ZBA approval.
 6. The survey plan submitted with the application shall be stamped and signed by the surveyor, include the conditions of the ZBA approval and be recorded at the Merrimack County Registry of Deeds (MCRD).

Respectfully Submitted:

Lucy A. St. John, AICP
Planning and Zoning Administrator

↑
BP # 15-109
issued
Sept. 2015

Per RSA 674:33 (as may be amended) the concurring vote of 3 members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass. Persons who are aggrieved by the decision of the ZBA are advised to seek legal counsel as they deem appropriate and to review applicable laws including but not limited to RSA 677 Rehearing and Appeal Procedures, RSA 674:33 Powers of the Zoning Board of Adjustment, RSA 676:3 Issuance of Decision and other NH State Statutes and Laws which may apply. This notice is for general informational purposes and in no way shall convey any legal advice.

ATTACHMENT D



TOWN OF
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

**Building Permit and or Demolition Permit
Issuance of Permit by the Board of Selectmen**

Date: March 2, 2015

Permit Number: 15-013

Applicant Name: Mere Bluff LLC

Address: 37 Boulder Point

Tax Map & Lot Number: 115-003-000

**Permit to: Demo current home and
construct new 3-bedroom home**

Dear Applicant:

We are pleased to inform you that the Building Permit and or Demolition Permit application you submitted to the Board of Selectmen has been approved. The permit must be posted in a prominent place on the building or site until the work is completed. The permit is valid for a period of one calendar year from the date of approval, including interior and exterior components of the work. This permit is only for the work approved in this application and for any conditions which may have been attached to the approval of said application. If additional work or changes are needed, a new permit must be applied for and approved before this additional work can proceed.

The state building code established in RSA 155-A is effective in all towns and cities in the state and is enforced as provided in RSA 155-A: 7 and RSA 674:51.

RSA 155-A, State Building Code, requires that all buildings, building components, and structures constructed in New Hampshire shall comply with the state building code and state fire code. The construction, design, structure, maintenance, and use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair, removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the state building code.

Disposal of all construction materials must be in compliance with all Federal, State and local laws, rules and regulations. Furthermore, compliance with RSA 155-D- Energy Conservation is required, as well as compliance with any State or Federal Permits which may be applicable for your specific project. **You are responsible for knowing the requirements.**

You are advised to seek qualified professional expertise to help you determine what you must do to meet the requirements. The Town of New London may visit the building site, as deemed necessary by the Town to review the site, to respond to a complaint or issue brought to the Town's attention or for other reasons.

37 Boulder Point Rd
Shoreland Permit
Application

Tax Map 127 Lot 1
n/f CRIMMI HOLDINGS of
NH LLC

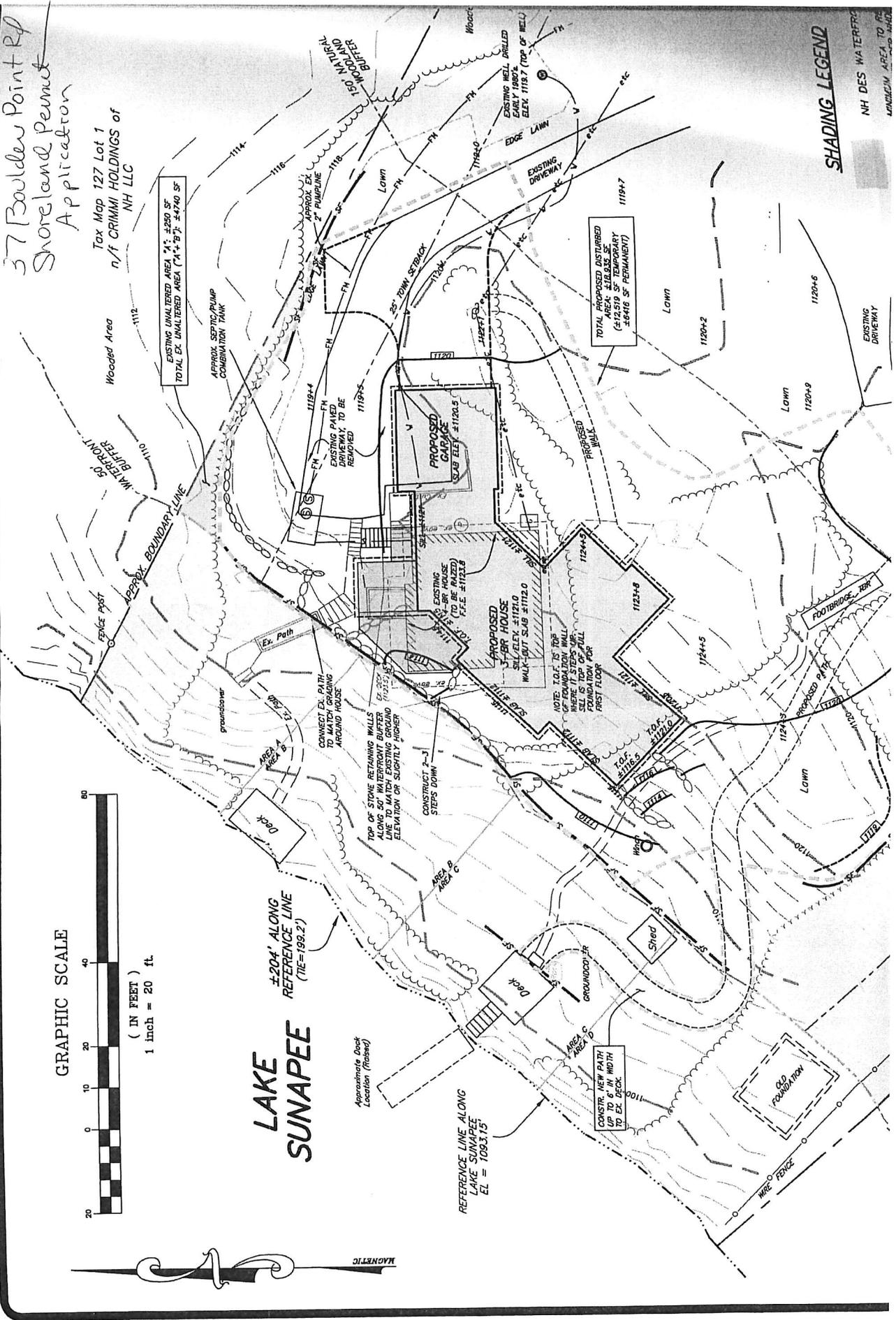
GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

**LAKE
SUNAPEE**
±204' ALONG
REFERENCE LINE
(17E=199.2')

REFERENCE LINE ALONG
LAKE SUNAPEE
EL = 1093.15'



SHADING LEGEND

NH DES WATERFRONT
UNDEVELOPED AREA TO BE

ATTACHMENT E



TOWN OF
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

Sent via email at dcrean@hagehodes.com

August 6, 2014

Attorney Daniel D. Crean
Hage Hodes, Attorneys At Law
1855 Elm Street
Manchester, NH 03104

Re: Tax Map 115-002-000
29 Boulder Point Road
Fire Incident of July 2, 2014

Dear Attorney Crean:

This letter is in response to your letter dated July 25, 2014 regarding the Robert Carr property at 29 Boulder Point Road, which was destroyed by fire on July 2, 2014. You inquired as to what provisions or restrictions may apply to rebuilding. The New London Zoning Ordinance generally allows for the rebuilding of structures destroyed by fire. In some cases, additional requirements must be met before a building permit can be issued.

The New London Zoning Ordinance includes provisions regarding the protection of the lake and rebuilding due to fire and other causes. The property in question is located in the Shoreland Overlay District and the Floodplain Overlay District, which imposes restrictions regarding new construction. The property owner should also contact the New Hampshire Department of Environmental Services (NHDES) regarding any State provisions which may apply to redevelop on Lake Sunapee. The following provisions of the New London Zoning Ordinance apply:

Article II, General Provision:

4. Fire: No owner or occupant of land in any district shall permit fire or other ruins to be left, but within one year shall remove or fill the same to clear ground level or shall repair, rebuild or replace the structure.

Article XV Floodplain Overlay District: The site appears to be in the Special Flood Hazard Area (SFHA), as shown on the FIRM map panel 95, effective date April 19, 2010. Refer to Section H. 100- Year Flood Elevation Determination. A structure within the floodplain overlay district that is destroyed by fire must comply with these provisions even if the original structure did not comply.

2 (a). All new construction or substantial improvement of residential structures have the lowest floor elevation (including basement) elevated to or above the 100-Year Flood elevation.

Letter to Attorney Daniel Crean
Carr Property, New London
August 6, 2014
Page 2 of 2

2(e) For all new construction or substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet certain criteria (see page 61).

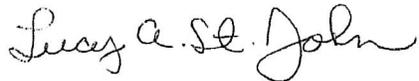
Article XVI- Shoreland Overlay District (J). The location of the existing foundation will affect what provisions of this section apply (1, 2, or 3), see pages 69-70.

Article XX- Legal Nonconforming Uses, Legal Nonconforming Buildings and Structures and Legal Nonconforming Lots, Section B (3), page 83. The current provisions allow for the restoration, reconstruction and or replacement within 3 years, refer to Article XX (B. 3. a.) found on page 83.

Per the provisions of the current Zoning Ordinance the owner would be able to rebuild within three years (from the date of the fire). Please be aware that the zoning ordinance may be amended. The information in this letter is based on the New London Zoning Ordinance as amended May 2014. Any building permit submitted would be reviewed under the ordinance in force at that time, which may differ from the one discussed here.

If you have any further questions, please let me know.

Respectfully,



Lucy A. St. John, AICP
Planning and Zoning Administrator

CC: Board of Selectmen
Kimberly A. Hallquist, Town Administrator
Jay Lyon, Fire Chief



TOWN OF NEW LONDON, NH
Building Permit Application

BP # 16-059

PID # 2138

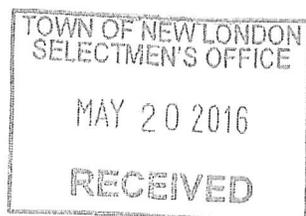
*(to be assigned by staff)

Type of Improvement (check all that apply):

<input type="checkbox"/> interior improvement	<input checked="" type="checkbox"/> new single family dwelling <i>Replaces home destroyed by fire</i>	<input type="checkbox"/> non-residential (commercial or industrial)	<input type="checkbox"/> manufactured home	<input type="checkbox"/> temporary structure
<input type="checkbox"/> garage, barn or other improvement	<input type="checkbox"/> new two-family dwelling	<input type="checkbox"/> exterior improvements with change of building footprint	<input type="checkbox"/> pre-site housing	<input type="checkbox"/> dock
<input type="checkbox"/> shed	<input type="checkbox"/> new multi-family dwelling	<input type="checkbox"/> exterior improvements with no change in building footprint (new roof, new siding, new windows, etc.)	<input type="checkbox"/> relocation of Structures on the property	<input type="checkbox"/> boathouse
<input type="checkbox"/> demolition	<input type="checkbox"/> accessory dwelling unit incorporated into existing residence	<input type="checkbox"/> ADA improvements	<input type="checkbox"/> energy-related Improvement (solar, geothermal or new generator)	<input type="checkbox"/> other
<input type="checkbox"/> addition to existing building	<input type="checkbox"/> living space over garage or other existing/detached building on the site	<input type="checkbox"/> plumbing, electrical, mechanical, heating or cooling systems new or upgrades	<input type="checkbox"/> conversion to another Use	

Detailed description of the project, for example: "adding a two-story addition to an existing single-family house, existing building footprint is 2,300 square feet and new addition will add another 1,200 square feet." Be sure to include total new square footage added for each floor.

Total Estimated Cost of Construction (including groundwork): \$ 2,000,000



ATTACHMENT F

- ✓ Discussed the details submitted on the survey plan which needs to be signed by the surveyor. Referred to past ZBA discussion on the need to have a current and correct survey and recording of survey plans.
- ✓ Discuss how they were planning to remove the stump, considering the proximity of the other trees and not have other disturbance to the waterfront buffer. Suggested that the stump be ground in place and filled over with earthen materials so not to cause any further disturbance to the waterfront buffer, and cut the roots if they interfere with the foundation. Leaving the stump doesn't compromise the integrity of the proposed structure. What is understood of application, is that while the intention is to remove the stump, it is also their intention to put that section of the property back into its "original condition" by filling and planting on it. Chair Lyon suggested, that for purposes of their continued discussion, the board discuss whether or not removing the stump will be a deal breaker or not.
- ✓ Discussed that several variances are requested, per the provisions identified and that the language in the Ordinance is quite confusing, convoluted, contradictory and circular. Each of the provisions were discussed. Discussed Article XVI, Shoreland provisions specifically J 1 and J2, and if J3 negates J 1 and J2. Ms. Devoe stated that in her opinion, if they are asking for a variance to Article XVI, J.2, they do not need one, except for J.1, because it also represents it. Therefore, A. and B. need to be met and all of J.1 and J.2.d. The board discussed this further.
- ✓ Discussed if the provisions of voluntary replacement of substantial improvement apply and how much of the structure. Referred to the 1977 property card and that the structure was improved over the years, some improvements without permits, and that it had morphed from a one bedroom house to a three bedroom house and how should the Board calculate the useable areas. Discussed the issue of previous construction that happened in the past without a permit. This bring up the fact that the board periodically run into situations where things have been constructed long ago in the past without permits. Noted that getting building permits in the past wasn't the same as it is now, and someone may had needed a variance, but the Town may not had required them. Discuss that old tax cards may not be correct and reliance on them just complicates the issue, and discussed that the current building footprint should be used as the point of discussion relative to expanding.
- ✓ Discussed how much of the land was unbuildable because it is wetlands.
- ✓ Discussed that the location of the chimney and that it won't be adding to the overall footprint of the proposed structure.
- ✓ Agreed that Article XX doesn't apply, they are dealing with Article XVI, Shoreland Overlay District, Section 16.G.2.b, rock and stump issue, 50' set back plus 10' issue and J.1 & J.2, has a series of requirements which appears to have been met, only permitted within the existing footprint and outside dimensions and that is the case for the parts within the wet land buffer area. Existing decks & porches, cannot be enclosed or covered expanded, but they're already enclosed, and are not in the overlay district. Include a new foundation, the structure is already partially in the buffer. No living space or basement are increased and that the construction of the house is a permitted use, per C. 2.

Public Hearing Opened

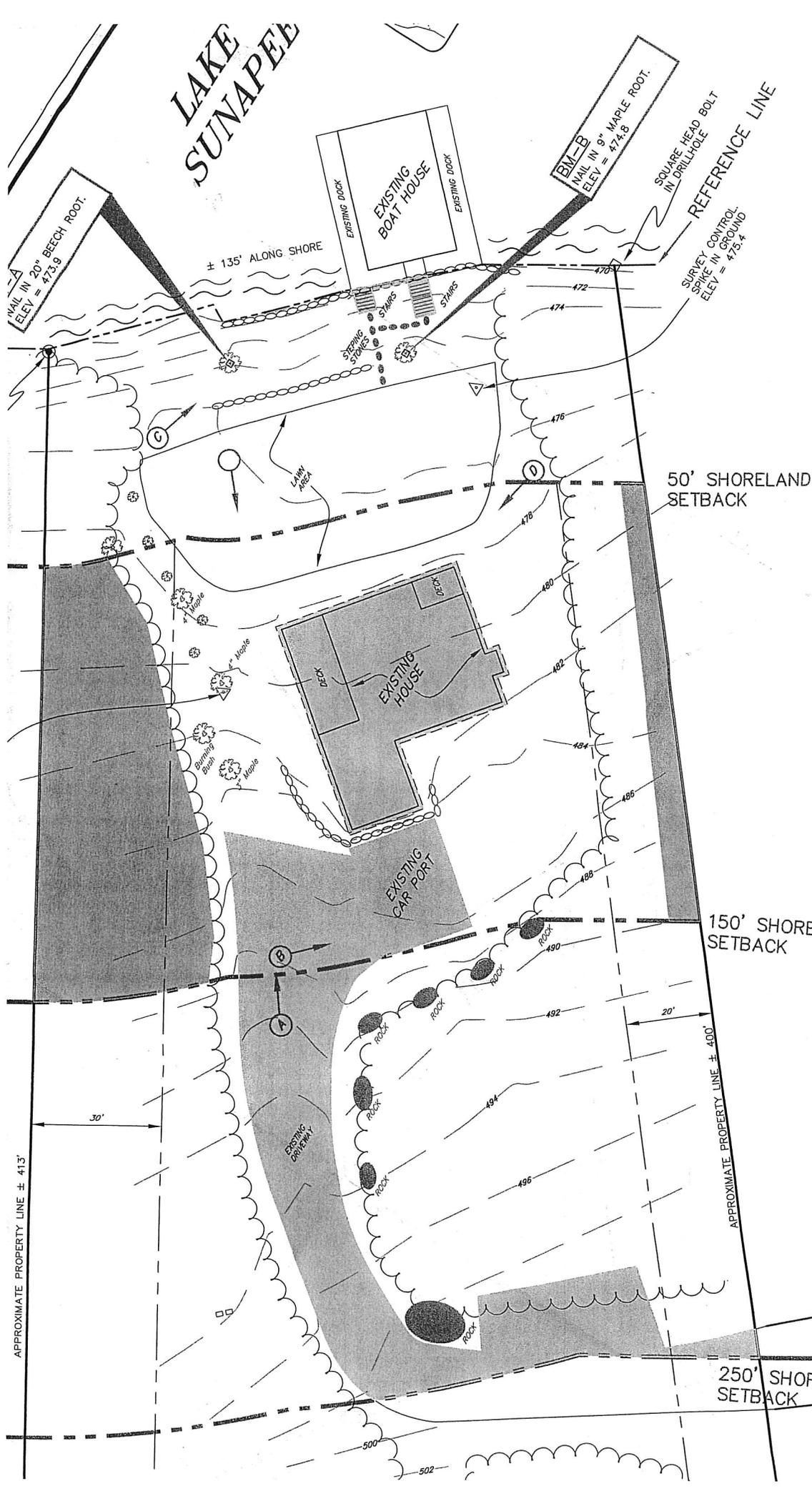
Chair Lyon asked the audience if there was anyone who had testimony, thoughts or information they want to provide. Ms. St. John referred to the letters received from John and Mary Doyle, at 533 Forest Acres Road.

Robert Brown, an abutter and Chair of Conservation Committee commented:

- ✓ He is fundamentally supportive of this project.

ATTACHMENT G

LAKE SUNAPEE



- NOTES**
1. This plan is the result of a Leica Rot.
 2. Deed reference to parcel is Mn- Rear yard 15 Feet, Minimum Lot size, Area, FLOr.
 3. This property is located in Herr.
 4. FEMA FLOr.

SUN

IN 20" BENCH ROOT.
ELEV = 473.9

BM-B
NAIL IN 9" A
ELEV = 474.0

SQUARE REF.
IN DRILL-HOLE

REFERENCE
SURVEY CONTROL
SPIKE IN GROUND
ELEV = 475.4

± 135' ALONG SHORE

EXISTING DOCK
EXISTING BOAT HOUSE
EXISTING DOCK

50' SHORELAND
SETBACK

LAWN
AREA

PROPOSED DECK

PROPOSED WALKOUT
± 477.4

PROPOSED HOUSE
4,928 SF

PROPOSED GARAGE
SLAB ± 485.4

PROPOSED
PHEASANT
EXTENSION

UNALTERED 625 SF

UNALTERED
3,270 SF

150' SHORELAND
SETBACK

APPROXIMATE PROPERTY LINE ± 413'

APPROXIMATE PROPERTY LINE ± 400'

EXISTING
DRIVEWAY

ROCK
ROCK
ROCK
ROCK
ROCK

HEI

250' SHORELAND
SETBACK

1. 7th

Town of New London APPLICATION FOR BUILDING PERMIT

Permits are valid for one year from the date of issue. Although a building permit may be extended by the Board of Selectmen, projects not substantially under way at the one-year anniversary of approval shall be deemed to have expired and owner must apply for a new building permit, subject to current regulations and fees.

Map/Lot # 091 - 020 - 000 PERMIT # 13-122A
 Property Owner Name(s) JANE MULLER TRUST TWO Date 9-19-2013
 If the property is owned by a Trust, Corp, LLC: Name & Title of Authorized Officer BRUCE MULLER, TRUSTEE
 Name of Owner Agent, if Applicable.....
 Property Owner Mailing Address 21 RIP ROAD HANOVER NH 03755
 Property location 138 HERRICK COVE LANE NEW LONDON Approx. Starting Date 10-1-2013
 Tel. No. (H)..... (W)..... (C)..... (Email).....
 Contractor: JUSTIN ROOT Tel No..... Cell No.....

- Zone: Urban Residential (R-1) Agricultural Rural Residential (ARR) Institutional (INST)
 Residential (R-2) Conservation (CON) Hospital Institutional (HINST)
 Commercial (C) Forest Conservation (FOR) Institutional/Recreational (I/R)

Description of work * See description on State Shoreland application - Demolish gottage & detached carport & replace with 3 bedroom house & attached garage.

In signing this building permit application, the owner of the property agrees that the information submitted is true and that the proposed construction, as described herein, will conform to the Zoning Ordinance adopted by the Town of New London on March 11, 1958, as amended, and with all other requirements of the laws and regulations of the Town of New London and the State of New Hampshire, as specified by RSA155-A:2, pertaining to buildings, wiring, fire prevention, plumbing, heating, ventilation, air conditioning, domestic water supply, and driveways as well as current NHDES rules and regulations regarding subsurface sewage disposal systems. The applicant is aware that all required permits must be completed and approved before such work may be performed. The applicant hereby authorizes a designated Town representative the right to inspect the premises prior to the approval of the permit and from time to time during construction to ensure continuing compliance with the building permit, Zoning Ordinance, and state law. In addition, the applicant authorizes the Town Assessor to enter the premises, including buildings, upon completion of the proposed work in order to assess any change in value of the property that may have occurred as a result of the construction described herein

X Bruce Muller TRUSTEE Date: 9-19-2013
 Authorized Signature(s) - (Property Owner(s), Agent, Trustee, Officer, etc.)

Permit is hereby: Approved Denied Date: 10/28/13

New London Board of Selectmen:
Christina M. Helm
James B. Kidder
R. Lee Branch

RECEIVED
 SEP 23 2013

Completed by [Signature] Permitted by State official