

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment, Town of New London, 375 Main Street

Name of owner/applicant: Jeremy Bonin, Bonin Architects

Mailing Address: 210 Main Street, New London State: NH Zip: 03257

Home Telephone: NA Work Telephone: 603.526.6200 Cell: NA

Email address: jeremy@boninarchitects.com

Owner of property: Ton-Ko-Lah, LLC

(if same as applicant, write "same")

Location of property 18 Camp Sunapee Road

Tax Map Number: 033 Lot Number: 008 Zone: R2

A variance is requested from the provisions of Article: XVI Section: C.2
XX B.5.b.ii

of the Zoning Ordinance to permit

Facts supporting this request:

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

SEE ATTACHMENT

2. The spirit of the ordinance is observed:

SEE ATTACHMENT

3. Substantial justice is done:

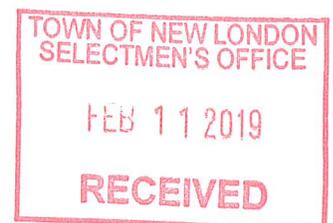
SEE ATTACHMENT

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

SEE ATTACHMENT

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

SEE ATTACHMENT



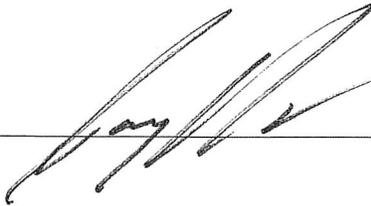
- A. For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:
- (1) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;
SEE ATTACHMENT

and

- (2) The proposed use is a reasonable one;
SEE ATTACHMENT

- 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.
NOT APPLICABLE

Owner/applicant(s) Signature: _____



Date: 2.11.19

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:

Zoning Administrator

603-526-1246

Email: zoning@nl-nh.com

Or

Assessing Coordinator

603-526-1243

Email: landuse@nl-nh.com



BONIN ARCHITECTS

RESIDENTIAL • COMMERCIAL • LANDSCAPE

ATTACHMENT TO: APPLICATION FOR A VARIANCE

Applicant: Jeremy Bonin

Property Owner: Ton-Ko-Lah, LLC

Property Address: 18 Camp Sunapee Road

We seek relief from the New London Zoning Ordinance for the reconstruction and expansion of an existing nonconforming home straddling the waterfront buffer. The proposed garage expansion is within all conforming guidelines and does not further increase any non-conformity. The New London Zoning Administrator has interpreted the ordinance as follows:

"I met with Adam [Ricker, Town Planner] and Kim [Hallquist, Town Administrator] 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."

We seek a variance for Article XX B.5.b.ii based on following facts:

1. **We first ask the board to determine this variance requirement unnecessary as this matter has been before this board and ruled upon.**
 - a. On Sept. 14th, 2015, The New London Zoning Board of Appeals (with current Board members Lyon, Todd, Bedard, Anzalone, and Fischer present) determined variances were not required from sections J.1 & J.2 of Article XVI (since moved to Article XX Sections A & B by 2016 Town Warrant Article 1 B.1, attached for reference) (see attachments). The application and subsequent building permit were for a voluntary replacement of a non-conforming structure straddling the waterfront buffer.
2. The following are examples illustrating projects granted building permits (without a variance to either Article XVI Section J1 & J2 or Article XX B.5.b.ii) establishing this variance (if required) is not contrary to the public interest, is within the spirit of the ordinance and proves substantial justice:
 - i. Building Permit #17-147 issued January 2018,
 - ii. Building Permit #16-075 issued July 2016,
 - iii. Building Permit #15-109 issued Sep. 2015,
 - iv. Building Permit #15-013 issued March 2015,
 - v. Building Permit #13-122a issued Oct. 2013,
 - vi. Building Permit #13-110a issued Sep. 2013.



3. This property is unique in its hardships specific to the special characteristics of the topography and features distinguishing it from other properties.
 - a. A typical minimally conforming lot (200' lakefront, 150' road frontage, and 2 acres (87,120 square feet)) will provide nearly 51,875 square feet of buildable area (reducing for shoreland and lot setbacks). This is approximately 60% buildable area for a typical conforming lot.
 - i. The area where this home is currently located and could be rebuilt, is only 7.3% of the lot, as substantial areas are wetland (see attached site plan graphic).
 - b. Due to the locations of the wetlands, an 'island' of buildable area is created, forcing a unique and small buildable area that straddles the buffer where the home exists.
 - i. The existing footprint of the home does not fit within the buildable area of the site (see attached site plan graphic). A garage addition would be impossible given the limited buildable area.

4. We also posit the condition of "Substantial Improvement" is unreasonable and has been granted numerous variances in the past substantiating this fact. Please consider the data as indicated below.
 - a. The following are examples illustrating variances granted to "Substantial Improvements" (please note section designations change due to 2016 Town Warrant Article to move sections):

i. 2015	Variance to Article B.5.b.2 *
ii. 2015	Variance to Article XX B.1 & B.3.b.2
iii. 2014	Variance to Article XX B.3.b.2
iv. 2009	Variance to Article XX B.3.b.2
v. 2007	(2) Two Variances to Article XX B.3.b
vi. 2006	(3) Three Variances to Article XX B.3.b
vii. 2005	(4) Four Variances to Article XX B.3.b
viii. 2004	(3) Three Variances to Article XX B.3.b
ix. 2003	Variance to Article XX B.3.b.2
x. 2000	Variance to Article XX B.3.b.2

* (applied for but determined not required, see #1 above for reference)
 - b. "Substantial Improvement" is an unreasonable hardship limiting benefit to the surrounding properties by diminishing their values in the forced diminishment of this property. Consider the following:
 - i. Current *appraised* value of the structure is 30% of the *appraised* value of the property; 30% of the market value of the property is approximately \$349,500 and 50% of that value is \$174,500,
 - ii. Rough estimates to replace the windows, siding, trim and roof exceed 50% of the market value. Limiting exterior improvements and prohibiting any further interior or exterior improvements. This does not benefit the neighborhood or the homeowner.





BONIN ARCHITECTS

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ATTACHMENT TO: APPLICATION FOR A VARIANCE – 5 CRITERIA

Applicant: Jeremy Bonin

Property Owner: Ton-Ko-Lah, LLC

Property Address: 18 Camp Sunapee Road

Facts Supporting this request:

1. **This variance will not be contrary to the public interest;** as granting this variance in no way threatens the public's health, safety, or welfare; nor does it unduly or to a marked degree, conflict with the primary zoning objectives of our ordinance or further increase a non-conformity.
2. **The spirit of the ordinance is observed;** as granting the variance is not injurious to the public or private rights of others and does not alter the essential character of the neighborhood. A typical 'spirit' of any zoning ordinance is to not further increase any non-conformity; we propose no further increase of non-conformity. We also emphasize "character of the neighborhood" concerning "the spirit" as the Zoning Ordinance does not have a specific statement of purpose nor does Article XX.
3. **Substantial justice is done;** as granting this variance does not cause harm to the general public that outweighs the benefit to the applicant. No harm is done to the general public in the use of the lake, and additionally, no harm is apparent to the private rights of any direct abutter.
4. **The values of surrounding properties are not diminished; and;** granting this request increases the value of this property as a garage and new home are positive attributes contributing to the assessed and market values of the property.
5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**
 - a. **For the purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:**
 - i. **No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application to the property;** as this portion of the ordinance establishes voluntary reconstruction of existing structures and/or the substantial improvement of such structures without consideration to the specific property or site-specific impediments. This lot is burdened by its limited buildable area compared to abutting properties in the neighborhood and typical lots as prescribed by zoning minimal requirements, making this lot is unique. Therefore, the application of these provisions does not advance the purpose of the ordinance in any fair or substantial manner.
 - ii. **The proposed use is a reasonable one;** as a residence and garage are Uses Permitted in the R2 district under Article V Sections A.1 & A.7 (single family dwelling & accessory building, respectively) of the Zoning Ordinance.

With respect,


Jeremy Bonin, AIA, NCARB, LEED AP
Bonin Architects



We seek a variance for Article XVI C.2 based on following facts:

1. Using the 2017 Zoning Board ruling for 583 Forest Acres Road as precedent, **where all requested variances were granted**, we propose the same accepted criteria for the project as presented by their project engineer:
 - a. Proposed building does not exceed existing height within the buffer,
 - b. Temporary disturbance be limited to within 5 feet of the existing footprint within the buffer,
 - c. Excavation will occur from within the existing footprint within the buffer.

In summary, there is substantial justice in granting these variances as this is the established practice and interpretation. Additionally, "Substantial Improvement" has been shown to be an unrealistic requirement resulting in undue hardship. Granting this variance is not contrary to the public interest and is within the established spirit of the ordinance.

We thank you for your consideration and time as volunteers of the Town of New London Zoning Board of Appeals.

With respect,



Jeremy Bonin, AIA, NCARB, LEED AP

Bonin Architects



Subject: Voluntary Replacement of a Legal Non-Conforming Structure
Date: Wednesday, January 23, 2019 at 10:12:32 AM Eastern Standard Time
From: Nicole Gage
To: Jeremy Bonin
CC: Town Administrator, Adam Ricker

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

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TOWN OF
NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT
(ZBA)

NOTICE OF DECISION

Tuesday, February 7, 2017

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

Radeke, David & Risa Variance application. Located at 583 Forest Acres Road. Tax Map 119-021-000. Zoned Residential (R-2); Floodplain, Wetlands Conservations and Shoreland Overlay Districts. Variances requested for the reconstruction and expansion of an existing nonconforming structure including increased height, and disturbance in the waterfront buffer. Variance requested to Article XVI, Shoreland Overlay District, Section C and F; Article XX, Nonconforming, Section B; and Article XIII, Wetland Conservation Overlay District, Section D and F. Variances granted with the following conditions:

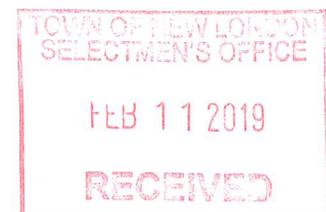
1. State approval
2. Proposed nonconforming building would not be further expanded by either footprint or height.

Respectfully Submitted:

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

Variances and Special Exceptions shall be valid if exercised within two (2) years, refer to the RSA 674:33 Powers of the Zoning Board of Adjustment, for the specific language.

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 676:5 Appeals to 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.





TOWN OF
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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 Overly 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 may be 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

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.





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NOTICE OF DECISION
Zoning Board of Adjustment (ZBA)
Thursday, November 20, 2014

The Zoning Board of Adjustment made the following decision(s) at the Thursday, November 20, 2014 meeting. Refer to the agenda, public hearing notice and meeting minutes for additional details of the discussion.

- **Variance Application for Elizabeth Kent Property.** Located at 101 Lamson Lane. Tax Map 049-015-000-000. Zoned Residential (R-2). Parcel is approximately 1.5 +/- acres. Applicant proposes to replace the existing cottage which straddles the Shoreland Overlay District waterfront buffer and which is an existing nonconforming structure, and replace it with a new house in the same footprint. Plan prepared by Pierre Bedard and CLD Consulting Engineers. Variances requested:
- Variance to Article XVI, Shoreland Overlay District, G 2.b.
 - Variance to Article XVI, Shoreland Overlay District, J. 1 & 2
 - Variance to Article XX, Nonconforming, B 1
 - Variance to Article XX, Nonconforming, B.3. b. 2

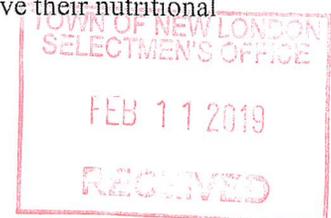
Variances granted with conditions:

1. That some mechanism to minimize runoff such as the use of drip edges be utilized consistent with the recommendation of Pierre Bedard.
2. That the areas disturbed during the construction be replanted with native planting per the publication- NHDES Native Shoreland Riparian Buffer Plantings for New Hampshire.

- **Variance Application for New London Wood Products owned by Dean and Pamela Larpenrter.** Tax Map 129-015-000. Zoned Residential ARR. Parcel is approximately 3.1 +/- acres. Applicant proposes to construct a barn, which is an expansion of the nonconforming use of the site. The barn is proposed to be utilized for horses. Variances requested:
- Variance to Article XX, Nonconforming Uses, A, 2- Change or Expansion.
 - Variance to Article II, General Provision, 1 (e) Grazing, Care, Raising, or Keeping of Livestock.

Variances granted with conditions:

1. Find that the new building (horse barn) is not an expansion of a nonconforming use, however to ensure that is the case, the horse barn can only be used for livestock and is not be used for any use associated with the New London Woods Products business.
2. That the variance appears to be in compliance with the recommended guidelines of the Zoning Ordinance, and meets the relevant criteria for outside enclosure areas and shelter areas for the keeping of the horses. The pasture requirements are not relevant for the keeping of Draft Horses because the draft horses will receive their nutritional



needs per a feeding regimen developed by a horse nutritionist and will not derive their feeding requirements by grazing in a pasture.

Respectfully Submitted:



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

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.





TOWN OF NEW LONDON, NEW HAMPSHIRE

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NOTICE OF DECISION New London Zoning Board of Adjustment

RE: Jesse & Jacqueline Worobel

SEPTEMBER 23, 2009

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of Harry M. Snow, representing Jesse & Jacqueline Worobel. The applicant requested an Area Variance to the terms of **Article XX, Section 3b, 2** of the New London Zoning Ordinance in order to permit **substantial improvement** of an existing non-conforming building with slightly less than the required front yard setback.

1. The proposed use would not diminish surrounding property values.

Mr. Cross said that having looked at the information and having heard the testimony, he can't help but agree that it would be more of an improvement than a diminishing of the property. Mr. Lyon and Mr. Horton agreed.

2. Granting the variance would not be contrary to the public interest.

Mr. Horton said that he keeps coming back to the fact that the addition structure is within setbacks and it appears that everything they are adding complies and is conforming. Mr. Green thought it would be in the public's best interest to go forward with the project. Mr. Lyon agreed with Mr. Stanley that the goal of zoning is to bring things into conformity and felt that the structure would be brought closer to conformity by creating the addition. Mr. Cross agreed with Mr. Lyon.

3. Denial of the variance would result in unnecessary hardship to the owner because:

a.) The following special conditions of the property make an area variance necessary in order to allow the development as designed.

Mr. Lyon felt that it was clear that the intention was to combine two lots to provide a legal location for a larger structure. He believed that they had done it in a responsible way and had also eliminated a more unattractive and nonconforming issue by tearing down the old buildings. Mr. Cross and Mr. Horton agreed.

b.) The same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because:

Mr. Green said that the plan presented made the most amount of sense. He remarked that, after all, it was all about 5'. Mr. Cross said that he had no problem with it at all. Mr. Lyon commented that the only way they could improve upon the design was to lift the whole house up and move it back, and that is was not financially feasible.

4. Granting the variance would do substantial justice because:

Mr. Cross said that the granting of the variance would do substantial justice for the arguments they had heard. Mr. Lyon said they have made a good faith attempt to take a nonconforming structure and make it closer to conforming, which was great. The board agreed.

5. The use is not contrary to the spirit to the ordinance because

Mr. Lyon commented that the result, overall, for the Town is a more conforming situation which is in the spirit of the ordinance, not contrary to it.

Board of Selectmen P: 603-526-4821 x 10 F: 603-526-9494	Town Administrator P: 603-526-4821 x 13 F: 603-526-9494	Town Clerk-Tax Collector P: 603-526-4821 x 11 F: 603-526-9494	Finance P: 603-526-4821 x21 F: 603-526-9494	Assessing P: 603-526-4821 x 20 F: 603-526-9494
Planning/Zoning P: 603-526-4821 x 16 F: 603-526-9494	Fire Department P: 603-526-6073 F: 603-526-6079	Police Department P: 603-526-2626 F: 603-526-2782	Public Works P: 603-526-6337 F: 603-526-9662	Recreation P: 603-526-4821 x 14 F: 603-526-9494

TOWN OF NEW LONDON
SELECTMEN'S OFFICE

FEB 11 2019

RECEIVED

IT WAS MOVED (Doug Lyon) AND SECONDED (Jeff Horton) that the Zoning Board grant the Area Variance to permit substantial improvement of an existing non-conforming building with slightly less than the required front yard setback to the property owned by Jesse and Jacqueline Worobel at 85 Bog Road, New London. THE MOTION WAS APPROVED UNANIMOUSLY.

William Green, Chairman

Jeff Horton

Courtland Cross

Douglas Lyon

TOWN OF NEW LONDON
SELECTMEN'S OFFICE
FEB 11 2019
RECEIVED



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NOTICE OF DECISION New London Zoning Board of Adjustment

RE: NANCY CONSTABLE

NOVEMBER 5, 2007

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of Gavin Campbell. The applicant requested a variance to **Article XX, Section B,3b** of the New London Zoning Ordinance to permit **voluntary replacement or substantial improvement** of a nonconforming building or structure. This property is located at 471 Forrest Acres Road, in the R-2 District, Tax Map 119 Lot 015.

During the hearing, the Board received testimony from the applicant, and the Town Zoning Administrator, and read into the record a letter from one abutter supporting the granting of the requested variance. No abutters or other members of the public attended the hearing.

The applicant reviewed the five criteria required to be found before the Board may grant a variance, and the opinion of the Board on whether or not all five had been met was agreed upon unanimously.

There was consensus among Board members that renovations to this property would be an improvement to a deteriorating facility. The elimination of an illegal apartment and the reduction of the footprint is in the spirit of the ordinance. The design and re-construction of the garage will have no impact on any neighbor. It will not diminish the values of surrounding properties. Nor will it be contrary to the public interest.

The variance was **GRANTED** in a unanimous vote.



William Green, Chairman



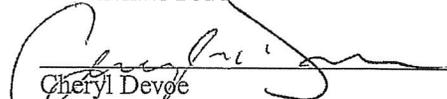
Douglas W. Lyon



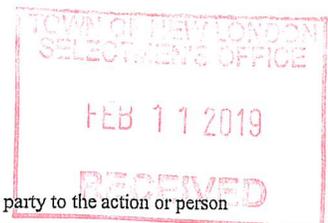
Courtland Cross



W. Michael Todd



Cheryl Devøe



Note: Application for rehearing on any question of the above determination may be taken within 30 days of said determination by any party to the action or person affected thereby according to New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76

Board of Selectmen P: 603-526-4821 x 10 F: 603-526-9494	Town Administrator P: 603-526-4821 x 13 F: 603-526-9494	Town Clerk-Tax Collector P: 603-526-4821 x 11 F: 603-526-9494	Finance P: 603-526-4821 x 21 F: 603-526-9494	Assessing P: 603-526-4821 x 20 F: 603-526-9494
Planning/Zoning P: 603-526-4821 x 16 F: 603-526-9494	Fire Department P: 603-526-6073 F: 603-526-6079	Police Department P: 603-526-2626 F: 603-526-2782	Public Works P: 603-526-6337 F: 603-526-9662	Recreation P: 603-526-4821 x 14 F: 603-526-9494



Town of New London
Zoning Board of Adjustment

043-020
P.O. Box 240
375 Main Street
New London, NH 03257

NOTICE OF DECISION

New London Zoning Board of Adjustment

RE: ROBERT SCHOFF

AUGUST 20, 2007

You are hereby notified that the appeal of Robert Schoff for an Area Variance to the terms of **Article XX §B-3-b** of the New London Zoning Ordinance has been **APPROVED** by a vote of three to one of the New London Zoning Board of Adjustment upon the two conditions of approval below:

1. The applicant must design and seek state approval for a modern septic system.
2. The applicant must maintain the position of the driveway as it currently exists.

The property is located at 1781 Little Sunapee Road, in the R2 zone, Tax Map 043, Lot 020.

After receiving input from the applicant, the Zoning Administrator, and various abutters, the board made the following findings of fact:

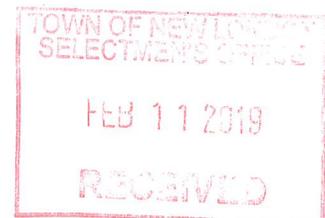
1. The variance will not result in a diminution of surrounding property values. The board found that building height will not diminish the value of the surrounding properties.
2. The variance will not be contrary to public interest. The board found that there will be no downside or concern regarding the public interest.
3. Hardship must exist. The board found that the structure in question does not meet the setback by an aggregate amount of 50 feet; in finding that the board agreed that it would cause hardship for the applicant to raise the building and move the foundation to meet the setback requirements.
4. Granting the variance would do substantial justice. The board found that substantial justice would be done by granting this variance; both to the abutting owners and the applicant.

The board found that granting this variance substantial justice would be done, and voted three to one in favor of approving the variance with the above mentioned conditions. Courtland Cross, Cheryl Devoe, Chair Bill Green, and W. Michael Todd voted.

Bill Green, Chairman
Courtland Cross
Cheryl Devoe
W. Michael Todd

NOTE: Application for rehearing on any question of the above determination may be taken within 30 days of said determination by any party to the action or person affected thereby according to New Hampshire Revised Statutes Annotated. 1955, Chapter 31:74-76.

(603) 526-4821 (telephone)
(603) 526-9494 (fax)





Town of New London
Zoning Board of Adjustment

*P.O. Box 240
375 Main Street
New London, NH 03257*

NOTICE OF DECISION

New London Zoning Board of Adjustment

RE: JERRY & JANE BARNES

JULY 24, 2006

Jerry and Jane Barnes requested a variance to the terms of Article XX §B-3-b of the New London Zoning Ordinance in order to make **Substantial Improvements** to their home on Lake Shore Drive in the R-2 zone. The cost of the improvements will exceed 50% of the assessed value of the current building.

During the hearing, Zoning Board members received input from the applicants and from the New London Zoning Administrator. No abutters attended the hearing, though it was the Board's understanding that a letter of support was received by email at the Town Office. The Board made the following findings of fact:

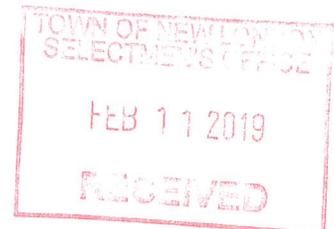
1. The proposed improvements to this home will enhance its value, as well as those of surrounding properties. No abutters attended this hearing, but applicants confirmed that they have spoken with all abutting neighbors, and received no negative comments. Also, the Board understands that an email letter was received at the Town Office from one neighbor expressing support of this proposal.
2. It was agreed that the project will have no impact on the public interest.
3. Denial of this variance would prevent the property from being fully used as a family home.
4. Substantial justice will be done in allowing applicants and their family to fully use their property.
5. The proposal is not contrary to the spirit of the ordinance. It does not encroach on the fifty-foot setback from the lake, and has received support, and no negative comments, from neighbors.

The Zoning Board voted **unanimously to grant** the variance as requested, with Larry Ballin, Cheryl Devoe, Caroline Newkirk and Brian Prescott voting.

Lawrence Ballin, Chairman
Cheryl Devoe
Caroline Newkirk
Brian Prescott

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Town of New London
Zoning Board of Adjustment

P.O. Box 240
375 Main Street
New London, NH 03257

NOTICE OF DECISION

New London Zoning Board of Adjustment

RE: ROBERT & CAROLINE BOSSI

JUNE 12, 2006

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of Robert and Caroline Bossi. Applicants requested a variance to the terms of **Article XX §B-3-b** of the New London Zoning Ordinance in order to enlarge their house on Putney Road. The current structure is non-conforming in that it is within the 50-foot front yard setback from Putney Road. The construction will consist of a 20' by 30' addition on the west side and a 40' by 40' addition on the east side of the existing structure. The property is located in the conservation district, Tax Map 011-002-000.

The Board received input from the applicants and the New London Zoning Administrator (no abutters attended the hearing), and made the following findings of fact:

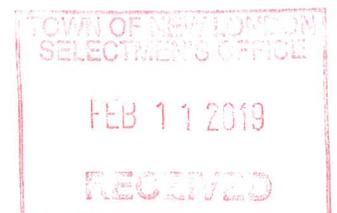
1. The proposed construction will not result in diminution in value of surrounding properties. The site is surrounded by conserved land, and wetland, and the improvements to the existing house will add to the town's tax base.
2. The granting of the variance will be of benefit to the public interest. Applicant informed the Board that for several years, the existing house has been a postcard. The proposed additions are in keeping with the cape style of the house, and will improve the site. Applicants will maintain the field, and the footpath to Pingree field. Hikers are able to park at the end of Putney Road there.
3. Denial of the variance would result in unnecessary hardship to the owner. During the hearing, both the applicant and the zoning administrator discussed at length the challenges presented by the topography here. Locating the construction back would require extensive excavation into the hill; moving it to the top of the hill would require the construction and maintenance of a very steep (20%) driveway; moving it to the base of the hill is precluded by the presence of wetlands there.
4. The contemplated use is in keeping with the spirit of the ordinance, in that it allows the owner to use the existing house and obviates potential for erosion or further incursion into the conservation land.

The Board determined that in granting this variance substantial justice would be done, and voted unanimously to approve. Russ Cooper, Randy Foosse, Bill Green, and Caroline Newkirk voted. Chair Larry Ballin did not vote.

Lawrence Ballin, Chairman
Russell Cooper
Randy Foosse
Bill Green
Caroline Newkirk

NOTE: Application for rehearing on any question of the above determination may be taken within 30 days of said determination by any party to the action or person affected thereby according to New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76.

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Town of New London
Zoning Board of Adjustment

*P.O. Box 240
375 Main Street
New London, NH 03257*

NOTICE OF DECISION
New London Zoning Board of Adjustment

RE: SAMUEL B. ROWSE

May 1, 2006

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing requested by Samuel B. Rowse. Applicant requested a variance as provided by Article XX §B-3-b of the New London Zoning Ordinance, **in order to make Substantial Improvements (exceeding 50% of the market value of the existing structure) to a non-conforming structure** located at 47 Sunset Shores Road in the R-2 zone. (Tax Map 103-024-000)

After receiving input from the owner, architect and New London zoning administrator, the Zoning Board of Adjustment found that:

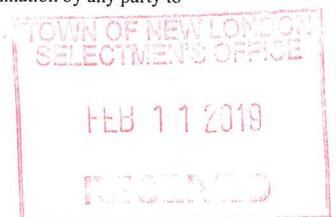
- o No diminution in value to surrounding properties will result from the granting of this variance, as there will be little exterior change, no change to the size or footprint of the building, and no further encroachment on the setback.
- o Granting the variance will benefit the public interest.
- o Denial would result in unnecessary hardship to the owner. Testimony was received from the zoning administrator to the effect that no other reasonably feasible method of completing these renovations is available without imposing undue financial burden.
- o For same reason, granting the variance will do substantial justice.
- o The use is in keeping with the spirit of the Ordinance, allowing necessary renovations to this well-established, old lake house, without resulting in any additional encroachment into the setback.

The Board unanimously approved granting the requested variance.

Lawrence Ballin, Chairman
Russell Cooper
Cheryl Devoe
Laurie DiClerico
Bill Green

NOTE: Application for rehearing on any question of the above determination may be taken within 30 days of said determination by any party to the action or person affected thereby according to New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76.

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Town of New London
Zoning Board of Adjustment

P.O. Box 240
375 Main Street
New London, NH 03257

NOTICE OF DECISION

New London Zoning Board of Adjustment

RE: Paul & Joanne Lazdowski

DECEMBER 12, 2005

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of Paul and Joanne Lazdowski. Applicants requested a variance to the terms of Article XX §B-3-b of the New London Zoning Ordinance in order to replace an existing non-conforming boat house. The property is located at 40 Moyahs Lane in the R-2 district, Tax Map 103, Lot 015.

After receiving testimony from the applicants and two abutters, the Board found that:

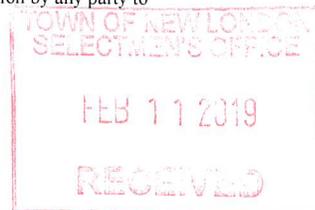
1. The proposal for replacing this deteriorating boathouse will not diminish surrounding property values. The abutters present at the hearing supported the proposal.
2. The replacement will benefit the public interest, both for esthetic and safety reasons.
3. The variance will allow substantial justice to be done.
4. The plan to replace this boat house with one of the same dimensions and exterior appearance, but with improved foundation, materials, and working method (including turbidity curtain) is acceptable to the Conservation Commission, and is in keeping with the spirit of the ordinance.
5. Denial of a variance allowing applicant to replace the unsafe deteriorating structure would result in hardship to this owner.

The Zoning Board of Adjustment voted unanimously to GRANT the requested variance.

Lawrence Ballin, Chairman
Russell Cooper
Cheryl Devoe
William Green
Brian Prescott

NOTE: Application for rehearing on any question of the above determination may be taken within 30 days of said determination by any party to the action or person affected thereby according to New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76.

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2005

ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment met eight times during the year 2005. The following report reflects a summary of the cases heard.

April 11, 2005

Molly and Domenic Ferrante requested a Variance to the terms of Article XX, §B-3 of the New London Zoning Ordinance. The applicants sought a variance in order to do substantial renovations to an existing non-conforming structure located at 53 Lighthouse View road. Tax Map 126-005-000. in the R2 zone. **Granted**

Landforms Ltd. Representing Robert Ewing requested a Special Exception as provided by the terms of Article XIII, §E-2 of the New London Zoning Ordinance. The applicants sought a special exception to create two ponds on property located off of Main Street. Tax Map 096-010-000, 096-015-005. in the ARR zone. **Granted** *2 ponds*

June 6, 2005

Carl Williamson representing Edgar & Cathleen Gervig requested an Equitable Waiver of Dimensional Requirement as provided by Article XXI §H-1 of the New London Zoning Ordinance in order to construct a covered entranceway to their home on Bunker Road. within the setback requirement. Tax Map 063-005-000. in the R-2 zone. **Granted**

Carolyn and Scott Ellison requested a Special Exception as provided by Article XIII §E-3 of the New London Zoning Ordinance in order to allow a reduction of the depth of the required wetland buffer on their property at the corner of County Road and Forest Acres Road. Tax Map 105-010-000 in the R2/Conservation zones. **Granted** *reduce wetland buffer*

July 11, 2005

John and Bernice White (Scarrington LTD) requested the following for their property located at 63 Murray Pond Road. Tax Map 045-003-000 in the R-2 zone:

- An Equitable Waiver of Dimensional Requirement as provided by Article XXI, §H-1 of the *setback* New London Zoning Ordinance. in order to retain a screened porch on their house. with less than the required side yard setback. **Granted**
- A Variance as provided by Article V, §C-2 of the New London Zoning Ordinance. in order to retain a deck on the rear of their house. with less than the required side yard setback. **Granted** *setback*

Frank and Karen Voellmann represented by RCS Designs requested a Special Exception as provided by Article XIII, §E.1 of the New London Zoning Ordinance for a wetland crossing to access their waterfront home on 101 Forest Acres Road. Tax Map 105-011-000 in the R-2 zone. **Withdrawn by applicant** *wetland crossing*

July 25, 2005

Murray and Marjorie Forbes requested a Variance to the terms of Article V, §A.1 of the New London Zoning Ordinance to permit the continuation of a second dwelling unit on their property located at 37 Boulder Point. Tax Map 115-003-000 in the R2 zone. **Granted**

Nancy C. Robertson-Allen requested an Equitable Waiver of Dimensional Requirement for property located at 56 Laurel Lane. Tax Map 089-017-000 in the ARR zone due to her home being to close to the property line along the road. **Granted**

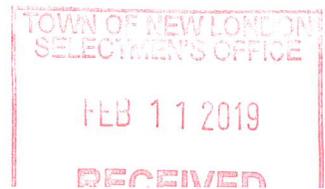
Bieknor-Wilmot Inc. requested a Variance to the terms of Article V, §A of the New London Zoning Ordinance to allow a parking lot in a residential district. This property is Tax Map 073-080-000 and is in the Commercial and Urban Residential zones. **Granted**

September 19, 2005

Mill Stream Structures. for Michael and Anita Geleius requested a Special Exception as provided by the terms of Article XIII, §E (1) of the New London Zoning Ordinance for permission to cross wetlands in order to connect to town sewer. The property is located on Fairway Lane (Tax Map 124-010-000) in the ARR zone. **Granted** *wetland crossing*

David & Lynn Annicchiarico requested a Variance as provided by the terms of Article V, §C of the New London Zoning Ordinance. The applicant seeks a variance for a shed that was constructed with less than the required side yard setback. The property is located on Bunker Road (Tax Map 076-025-000) in the R2 Zone. **Granted** with the stipulation that the applicants annex their two lots together (Tax Map 076-025-000 and 076-042-000). *setback*

Susan Hankin-Birke, Esq. for John & Joan Hughes requested a Variance as provided by the terms of Article XVI, §C.2 of the New London Zoning Ordinance to allow for the construction of a deck (after the fact) and a fence within the 50'



setback from the shore of Messer Pond. The deck was constructed in the summer 2004 without an approved building permit. Applicant also seeks a variance to the terms of Article XXV, §A.3.a which requires a building permit prior to the construction of any structure. The property is located at 63 White Pine Lane (Tax Map 105-008-000) in the R2 zone.

The Zoning Board heard testimony from the applicants and their representative and reviewed photographs of the fence and wooden platform in question. The Zoning Board did not think that they should hear a variance of an enforcement provision and the applicants withdrew the request for a Variance to the terms of Article XXV, Section A.3.a. The Zoning Board determined that pursuant to RSA 674:33 V, the Hughes did not have to meet the hardship requirement, and granted the Variance to Article XVI, Section C.2, as follows:

- (a) The Hughes may keep the fence as is until replacement or repair is required. At that point the fence must be moved to comply with the regulations in place at the time of repair or replacement.
- (b) The Hughes may have a 160 sq. ft. platform no closer to the lake than the present platform, which must be removed entirely at the time of sale of property or upon good faith of the homeowner when the handicapped use is no longer required by the family.

September 26, 2005

Pamela Perkins representing Susan McLeod for an Equitable Waiver of Dimensional Requirement provided by the terms of Article XXI, Section H.1 of the New London Zoning Ordinance to allow for less than the required front setback of 50 feet. The property is located on 31 Hayfield Lane (Tax Map 128-016-000) in the ARR zone. **Granted**

Peter Schiess of Landforms Ltd. representing Robert Ewing for a Special Exception as provided by the terms of Article XIII, §E.1 of the New London Zoning Ordinance. The applicant seeks a Special Exception for a wetland crossing in order to extend a driveway for access onto an abutting house lot. The property is located on Main Street (Tax Map 096-015-000) in the ARR zone. **Granted**

Wiggin & Nourie, P.A. representing Michael Todd for an Appeal of an Administrative Decision as provided by the terms of Article XXI, §E regarding the need for a building permit for the installation of a structure on which electrical meters and panels are located. The property is located at 159 Main Street (Tax Map 107-005-000) in the ARR zone. **Denied**

November 7, 2005

Blanc and Bailey Construction representing Elaine Goldberg for a Variance to the terms of Article XX, §B.3.b of the New London Zoning Ordinance. The applicant seeks a variance to allow for substantial improvements to be made to an existing nonconforming structure. The property is located on 305 Forest Acres Road (Tax Map 118-016-000) in the R2 zone. **Granted**

Aristotle Souliotis and George Souliotis for a Variance to the terms of Article VII, §B1 of the New London Zoning Ordinance. The applicant seeks a variance for the purpose of adding a canopy over the existing gas pumps with less than the required front yard setback. The property is located on 384 Main Street (Tax Map 103-015-000) in the Commercial zone. **Granted**

Maria Dolder, Esq., Herbert & Uchida Law Offices representing Howard G. Davis III for a variance to the terms of Article XVI, §H & Article XX, §B(3)(b) of the New London Zoning Ordinance. The applicant seeks a variance to construct a foundation for an existing cottage which already encroaches within the 50' shoreland buffer area and to allow substantial improvements to a nonconforming structure, while maintaining its nonconforming status. The property is located on 143 Lighthouse View Road (Tax Map 115-001-000) in the R2 zone. **Granted**

December 12, 2005

Bristol Sweet and Associates representing Richard Putnam et al for an Appeal of an Administrative Decision to the terms of Article XIII, Section G of the New London Zoning Ordinance. The applicant seeks an Appeal of an Administrative Decision made by the New London Planning Board for the requirement to have a 100-foot buffer around jurisdictional wetlands described as "fingers and bumps" identified on the proposed subdivision plan. **Denied**

Paul and Joanne Lazdowski for a Variance to the terms of Article XVI, Section H, 1 of the New London Zoning Ordinance. The applicant seeks a variance to install a new foundation under an existing house and deck within the 50' setback from Lake Sunapee. **Granted**

Respectfully submitted,

Lawrence Ballin

Chair

2004

ZONING BOARD OF ADJUSTMENT

The New London Zoning Board of Adjustment had another busy year in 2004, and the report below reflects a summary of the cases we heard. We work hard to provide each applicant with a fair and balanced hearing, and our decisions are the direct result of the zoning ordinances that the voters of New London provide for us. The ability to grant special exceptions and/or variances allows the Board flexibility, ensuring that the ordinances can be equitably applied to all property.

The ZBA mourns the passing of Charlie Marston this past year. A long-time board member, Charlie's preparation for each hearing and his educated sense of fairness helped guide the Board through many difficult hearings. Charlie, unassuming as he was, left a positive mark on New London in so many ways. Our town is a better place for what he gave us.

February 16, 2003

Schwartz-Barr Realty Trust requested a Special Exception to the terms of Article XIII, Section E.1 of the New London Zoning Regulations. The applicants needed to cross wetlands for access to building sites. This property is located on Burnt Hill Road (Tax Maps 029-006, 007 & 008) in the ARR zone. **Granted**

Leo Maslan representing the Charles M. Bucklin Grandchildren Trust, Martha Harris, Trustee requested a Special Exception to the terms of Article XIII, Section E.1 of the New London Zoning Regulations. The applicants required temporary wetland crossings on two small streams for timber harvesting under "best management practices." This property is located north and south of Putney Road (Tax Map 011-003-000) in the Forest Conservation zone. **Granted**

March 29, 2004

Susan & Joseph Coleburn III requested a Variance to the terms of Article XX, Section B.3.b. of the New London Zoning Regulations. The applicants proposed adding an eating area, one bedroom and closet space with a combined cost that exceeded 50% of the fair market value of their non-conforming cottage. This property is located at 63 Bartons Row, Elkins (Tax Map 064-005-000) in the R2 zone. **Granted**

Lake Sunapee County Club requested the following for their expansion project on property located at 289 Country Club Lane (Tax Map 146-001-000) in the ARR zone:

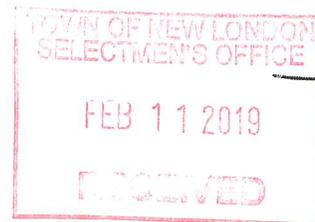
- A Variance to the terms of Article XX, Section A.2 and B.3 as the expansion and redesign of the clubhouse will be an expansion of a non-conforming use and a non-conforming building. **Granted**
- A Special Exception to the terms of Article II, Section 5 to build a 37' chimney that exceeds the 35' height regulation as part of the clubhouse redesign and expansion project. **Granted**
- A Variance to the terms of Article II Section 5 as the proposed clubhouse redesign incorporates a 48' clock tower (from average grade) exceeding the 35' height allowance by 13'. **Denied.**

April 26, 2004

Anne & Marc Margulies requested a Variance to the terms of Article V, Section C.2 of the New London Zoning Regulations. The applicants proposed encroaching into the side yard setback by 4 feet in order to add one additional bedroom on property located at 53 Lamson Lane, (Tax Map 049-013-000) in the R2 zone. **Denied**

Gary Anderson and Cornelia Boyle requested an Equitable Waiver of Dimensional Requirement. A building permit was previously approved by the Board of Selectmen allowing an addition to be built closer to the sideyard setback than the 50' requirement on property located at 46 Twin Lake Villa Road, (Tax Map 020-017-000) in the R2 and Forest Conservation zones. **Granted**

Gary Anderson and Cornelia Boyle were also seeking a Variance to the terms of Article IX, Section C.2 to add an 18' x 20' single-story family room 45' from the sideyard setback when a 50' setback is required in the Forest Conservation zone. **Denied**



Town of New London requested a Variance to the terms of Article II, Section 5 of the New London Zoning Regulations. The applicants wish to build a cupola on the proposed new highway garage building, which would exceed the 35' height requirement by 7 feet. This property is located at 186 South Pleasant Street (Tax Map 095-052-000) in the R2 zone. **Granted** with stipulations.

May 17, 2004

Robert & Deborah Zeller requested a Special Exception to Article XIII, Section E-1 of the Zoning Regulations for driveway access from Lakeshore Drive which must cross wetlands for the installation of a culvert. This property is located on Lakeshore Drive (Tax Map 051-016-000) in the Forest Conservation zone. **Granted**

Four Variances were requested by Everett B. Yelton. Mr. Yelton proposed demolishing the existing 3-bedroom home at 485 Bunker Road (Tax Map 076-033-000) in the R2 Zone. He requested:

- (1) A Variance to the terms of Article XX, Section B.2.b for the voluntary replacement of the existing house which is entirely within the 50' setback from the high water level and does not meet the frontyard setback. **Granted**
- (2) A Variance to the terms of Article V, Section C.1 as the proposed new structure is extending further into the frontyard setback. **Denied**
- (3) A Variance to the terms of Article XVI, Section H.1 for a new foundation within the 50' buffer area. **Granted** with stipulations
- (4) A Variance to the terms of Article XVI, Section I as the Shore Land Overlay District requires that non-conforming structures located within the first 50' inland from the normal high water level not exceed 25' in height above grade. **Granted**

June 28, 2004

Lawrence Ballin and Joel Carpenter requested a Special Exception as provided by the terms of Article XIII, Section E.1 of the Zoning Regulations. The applicants requested this waiver to allow a driveway to be constructed adjacent to one wetland area and crossing two wetlands to access the Carpenter lot. This property is located at 244 Blueberry Lane (Tax Maps 087-003-001 and 087-003-002) in the ARR zone. **Granted**

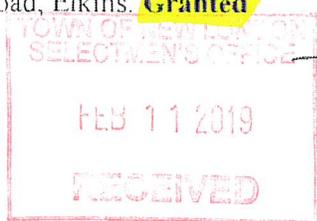
Martin Feins and Courtland Cross applied for an Appeal of an Administrative Decision concerning Lakeside Lodge, Inc. On June 7, 2004 the Board of Selectmen concluded that following the Zoning Board of Adjustment's decision of October 20, 2003, they could not identify whether or not a violation existed on the Lakeside Lodge property located on Route 103A (Tax Map 080-005-000) in the ARR zone. Therefore, the Board of Selectmen was taking no action regarding their December 8, 2003 letter. The applicants were seeking to appeal this latest decision in the hopes of having the Zoning Board of Adjustment enforce the Board of Selectmen's December 8, 2003 letter. **The Zoning Board of Adjustment voted not to require enforcement of the December 8, 2003 letter and raised the ceiling regarding usage of boats from four to eleven.**

July 19, 2004

Bruce and Karen Haskell requested a variance to the terms of Article VI, Section C-2. The applicants proposed constructing a 40-foot wide right-of-way adjacent to the eastern boundary of their property at 1405 King Hill Road (Tax Map 129-005-000), thus creating a corner lot for the existing house and garage which would then be 21.3 feet set back from the right of way, 28.7 less than the required 50-feet. **Denied**

August 16, 2004

Foremost Builders, LLC, representing the Weber Family Investment Trust, requested a Variance to the terms of Article V, Section C.1 and **Article XX, Section B.2.b** of the New London Zoning Regulations. They were proposing to make substantial improvements to a non-conforming structure and to not meet the frontyard setback requirement of 25'. This property is located at 45 Scythe Shop Road, Elkins. **Granted**



DECEMBER 8, 2003

Elizabeth and William Oberg for a Variance to the terms of Article VI, Section C.1 of the New London Zoning Regulations. The applicants wished to demolish an old shed and erect a new, two-car garage within the 50' front yard setback on property is located at 466 Otterville Road (Tax Map 042-007-000) in the ARR zone. **Granted**

Jay & Gabi Wilson to appeal the Zoning Board's September 29, 2003 denial for a Special Exception to the terms of Article XIII, Section E.1. The applicants wished to realign the road to reduce the curve and improve sight distance and drainage, which requires crossing a wetland. This property is located at 3 Sunset Shores (Tax Map 103-025-000) in the R2 zone. **Granted** with stipulations.

DECEMBER 15, 2003

Ken Sutherland d.b.a. King Forest Industries, Inc. represented Arthur and Catherine Greene for a Special Exception to the terms of Article XIII, Section E.1 of the New London Zoning Regulations. The applicants wished to create two temporary wetland crossings for tree harvesting. This property is located at 71 Mountain Road (Tax Map 100-003-000 and 100-003-000) in the Conservation Zone. **Granted**

Nancy and Christopher Tatum for a Variance to the terms of Article XX, Section B.3.b of the New London Zoning Regulations. The applicants planned to substantially improve a non-conforming structure, which did not meet the 50' front yard setback. This property is located at 493 Burpee Hill Road (Tax Map 070-012-000) in the ARR zone. **Granted** with stipulations.

Respectfully submitted.

Lawrence Ballin, Chair

Zoning Board of Adjustment

JOINT LOSS MANAGEMENT COMMITTEE

In 2003, the Joint Loss Management Committee (JLMC) completed its 9th year of service to the town. The JLMC is composed of members from each of the major town departments in both management and non-management positions. The members in 2003 were:

- | | |
|----------------------------|-----------------------------|
| Robert Andrews, Recreation | Jay Lyon, Fire |
| Douglas Gay, Sewer | Amy Rankins, Administration |
| Raymond Heath, Library | David Seastrand, Police |
| Richard Lee, Highway | Jessie Levine, ex officio |

The purpose of the JLMC is to assure a safe work environment for all town employees through adequate safety training, reviewing accident reports, making recommendations for safety improvements, and conducting building inspections. We are again proud to report that New London's employees only had nine reportable safety incidents this year and that new safety equipment was acquired in most departments.

Again, the JLMC would like to give a big "thumbs up" to all of New London's employees for making 2003 a standout year safety-wise!

Respectfully submitted.

Raymond Heath

Chair



ZBA 2000

October 18, 2000

Jesseman Associates, P.C. representing Colby-Sawyer College for a variance to the terms of Article II General Provisions, Section 5 (Height Regulations) of the New London Zoning Ordinance to construct a three-story residence hall that will maintain a similar roof style to other campus buildings. A hip roof line will be used to minimize the height, not to exceed 40 feet.
GRANTED

October 18, 2000

Julia Brisbane and Peter W. Shanks for a variance to the terms of Article XX B, Section 2(b) for substantial improvements to a non-conforming building that is greater than 50% of the value of the present structure. **CONDITIONALLY GRANTED** with the condition that the two lots be annexed and there is to be no new construction within 25 feet of the front property line.

Respectfully submitted,

Ann L. Jones

Brian Prescott

Co-Chairmen, Zoning Board of Adjustment

Welfare Report

As I begin my fourth year as the town welfare officer, I continue to make sure that the town's assistance money is spent wisely, and that needy residents get the help that they deserve. Two of our policies are worth noting again in this year's report. First, when appropriate, recipients are asked to reimburse the town for help that they have received in the past. We may ask recipients to pay a small amount each month so as not to overburden their limited resources. Second, it benefits both the potential recipients and the town when the recipients apply for any state or federal help for which they might qualify. It is my responsibility to provide them with the assistance necessary to complete their applications and receive all of the benefits for which they qualify.

I believe that the town welfare policies are fairly and effectively administered, bringing help to those individuals who are truly in need of assistance. Many thanks to the town residents for allowing this program to continue.

Respectfully submitted,

Marc A. Clement

Welfare Officer

98





BONIN ARCHITECTS

RESIDENTIAL • COMMERCIAL • LANDSCAPE

January 9, 2019

RE: Minutes of January 8th meeting, for 18 Camp Sunapee Road

Attendees: Jeremy Bonin (BA&A), Gregory Rusnica (BA&A), Nicole Gage [NG] (Zoning Administrator), Adam Ricker [AR] (Town Planner)

Purpose of meeting:

Discuss, in broad terms, the proposed primary structure at 18 Camp Sunapee Road and the project's compliance with the New London Zoning Ordinance.

Notes:

- BA&A presented simple plans and elevations of the proposed building as well as an outline document stating why the structure complies with applicable articles of the zoning ordinance,
- Group reviewed typical zoning requirements including septic, shoreland, wetland, and flood plain regulations,
- Buildings on this property have been removed from the Special Flood Hazard Area by FEMA through a Letter of Mapping Amendment. Documentation was presented by BA&A,
- No major concerns were raised regarding Articles XIII, XV, XVI,
- Interpretation varies among attendees on Article XX - LEGAL NONCONFORMING USES, LEGAL NON-CONFORMING BUILDINGS AND STRUCTURES, and LEGAL NON-CONFORMING LOTS
 - BA&A - believes that in accordance with Article XX B.5.b.ii, the existing structure, which straddles the 50' waterfront buffer, can be replaced and expanded up to 50% of the usable floor area in conformance with the other applicable articles of the zoning ordinance,
 - BA&A - believes, and has evidence, this is the historical interpretation of this ordinance and can cite recent permitted and constructed examples that support this interpretation, inclusive of a project issued a permit under the current Zoning Administrator,
 - NG - indicates that Article XX, Sections B1, B2, B4 and B4 are intended to force the entire building be made conforming to all articles of the zoning ordinance,
 - NG - contests that voluntary replacement of the building requires that the entire building be made conforming to all articles of the zoning ordinance, including those, which make it non-conforming; and that the 50% clause ONLY applies to Alterations,
 - NG - stated the recent previously issued permit was "lucky",
 - AR - indicates he can see how the section could be interpreted either way,
 - AR - indicated he did not think the article's intent was to prohibit people from replacing what they have or to rebuild what they have
- NG - would like to confer with the Zoning Board and Town Administrator on their interpretation, as she believes this has been recently discussed regarding other projects,
- AR - was open to BA&A's interpretation but did not commit in either direction,
- All parties - acknowledge that this article of the ordinance should be clarified in future revisions to the Zoning Ordinance as sections are redundant, confusing and have poor grammar (commas),
- BA&A - requests that parties try to resolve issues with open discussion and informal meetings before taking case to a zoning hearing if necessary.

Conclusions:

All parties agree to the need for attention/clarification by the Planning Board on Article XX

BA&A - to compile historic examples of similar projects

NG - to informally Review plans with Town Administrator/ZBA and advise BAA of those discussions





18 Camp Sunapee Road

Tri Town, NH



February 8, 2019

1 inch = 100 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



18 Camp Sunapee Road

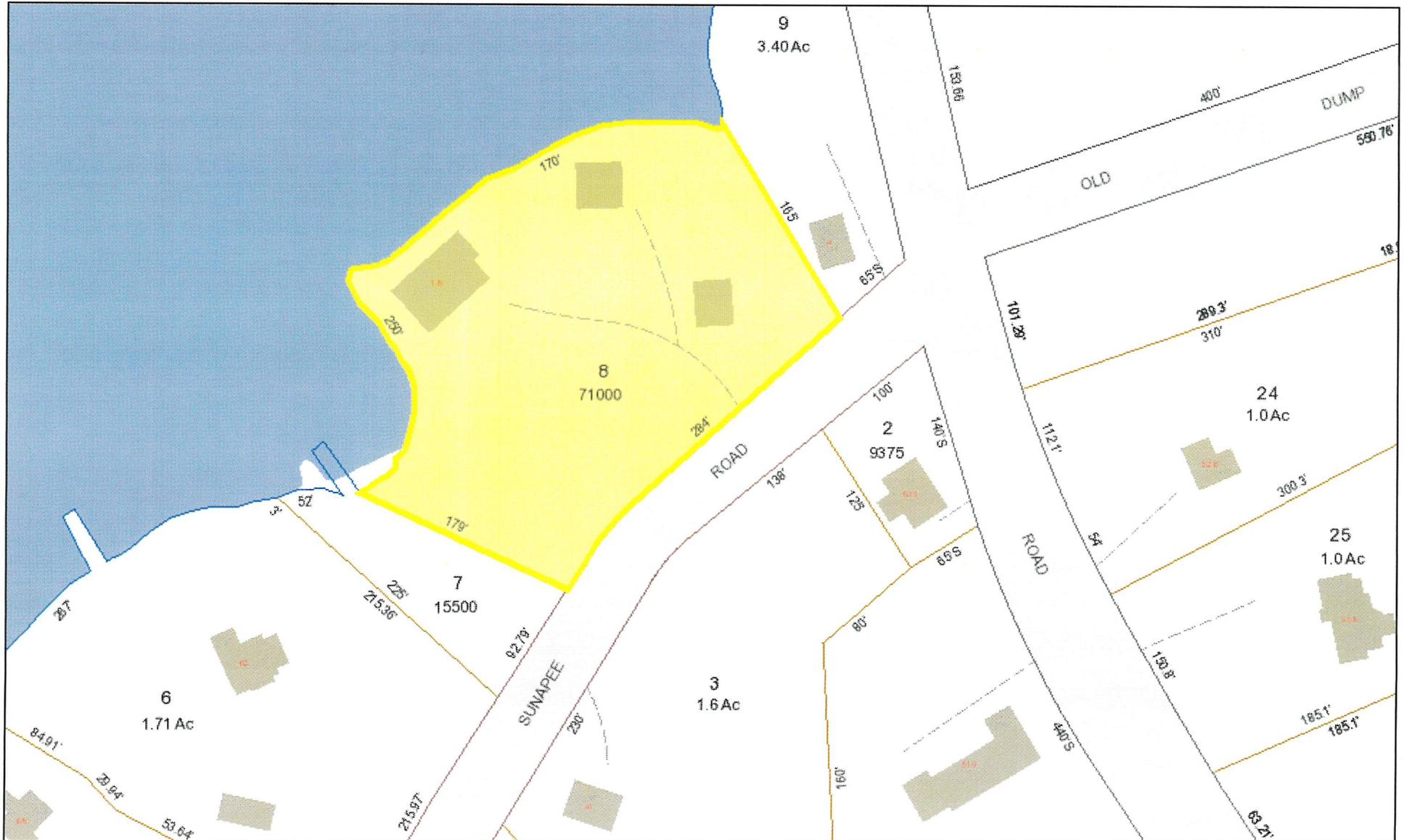
Tri Town, NH



February 8, 2019

1 inch = 100 Feet

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CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT			
TON-KO-LAH LLC		1 Level	5 Well	3 Unpaved	7 Waterfront	Description	Code	Appraised Value	Assessed Value
73 MALIA TERRACE			6 Septic			RESIDENTL	1015	193,100	193,100
NEWBURY, NH 03255		SUPPLEMENTAL DATA Other ID: 00033 00009 00000 ZONE UTILITY Ward Prec. ROADFF GIS ID: 033-008-000				RES LAND	1015	485,300	485,300
Additional Owners:						Septic Infor	MP	WF 420	CONSERVA1
						Total		692,800	692,800

2119
NEW LONDON, NH

VISION

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	g/u	v/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)								
TON-KO-LAH LLC		3586/ 508	02/20/2018	U	I	1,142,000	1G	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
ANDREWS M B REV TRUST						0		2018	1015	193,100	2017	1015	193,100	2017	1015	193,100
								2018	1015	485,300	2017	1015	485,300	2017	1015	485,300
								2018	1015	14,400	2017	1015	14,400	2017	1015	14,400
						Total:		692,800		Total:		692,800		Total:		692,800

EXEMPTIONS				OTHER ASSESSMENTS				
Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.
							0	0
							0	0
							0	0
							0	0
Total:							0	0

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD				
NBHD SUB	NBHD Name	Street Index Name	Tracing	Batch
13/A				

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card)	143,000
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	14,400
Appraised Land Value (Bldg)	485,300
Special Land Value	0
Total Appraised Parcel Value	692,800
Valuation Method:	C
Adjustment:	0
Net Total Appraised Parcel Value	692,800

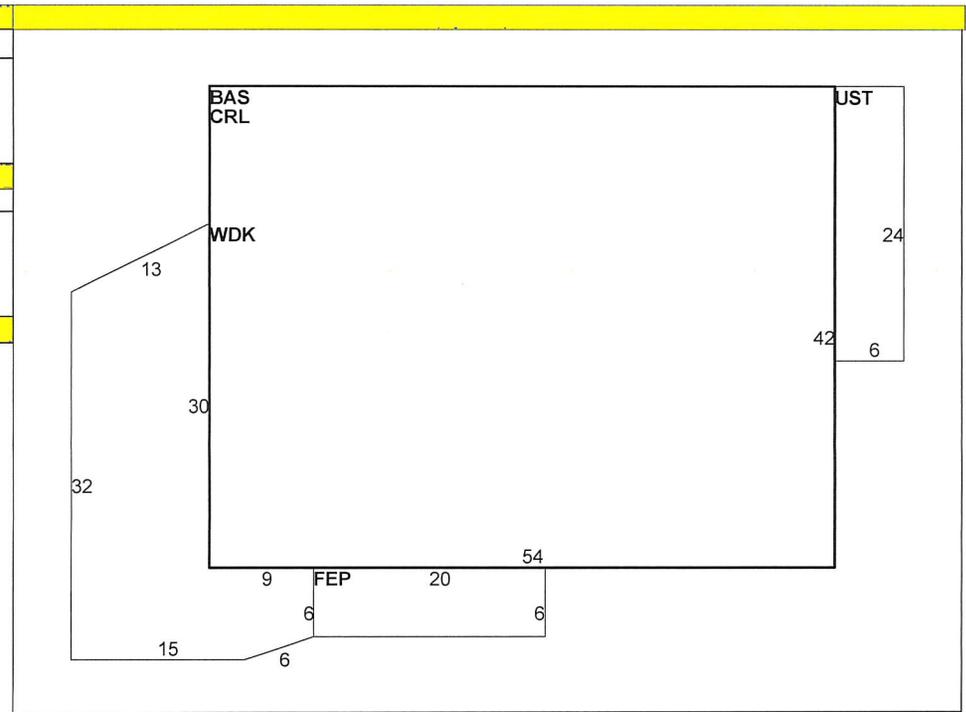
NOTES	
I-A,SEPTIC ON MAP 33/LOT 3	IN LAST 5 YEARS, BIDET=NV
05/03 CORRECT SKETCH,UNUSUAL LAYOUT=FUNC	6/17- \$1,165,000
2 POORLY FINISHED ROOMS	
1 IS FURNACE RM OTHER IS STORAGE	
2015 OUTDATED THROUGHOUT-APPEARS TO	
HAVE NEVER BEEN RENOVATED, ROOF REPLACED	

BUILDING PERMIT RECORD										VISIT/ CHANGE HISTORY					
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments		Date	Type	IS	ID	Cd.	Purpose/Result
										01/06/2016			KM	AC	ADMIN DATA ENTRY
										07/10/2015			RE	M	MEASURE
										08/31/2014			NB	FR	IN FIELD REVIEW
										06/28/2010			KM	FR	IN FIELD REVIEW
										05/06/2003			JS	CB	CALL BACK

LAND LINE VALUATION SECTION																				
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	L Factor	S.A.	Acre Disc	C Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing	S Adj Fact	Adj. Unit Price	Land Value	
1	1015	LL SUNAPEE	R2		284		43.560	SF	1.99	1.0000	4	1.0000	1.00	13	5.50	NEXT TO PUBLIC BEACH/F		1.00	10.95	477,000
1	1015	LL SUNAPEE	R2				0.60	AC	5,000.00	1.0000	0	1.0000	0.50	13	5.50	WET		1.00	13,750.00	8,300

Total Card Land Units: 1.60 AC Parcel Total Land Area: 1.6 AC Total Land Value: 485,300

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	01		Ranch				
Model	01		Residential				
Design/Appeal	04		Average +				
Stories	1		1 Story				
Occupancy	1						
Exterior Wall 1	13		Pre-Fab Wood				
Exterior Wall 2							
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gls/Cmp				
Interior Wall 1	05		Drywall/Sheet				
Interior Wall 2							
Interior Flr 1	14		Carpet				
Interior Flr 2							
Heat Fuel	03		Gas				
Heat Type	04		Forced Air-Duc				
AC Type	01		None				
Total Bedrooms	02		2 Bedrooms				
Total Bthrms	2						
Total Half Baths	0						
Total Xtra Fixtrs							
Total Rooms	7		7 Rooms				
Bath Style	02		Average				
Kitchen Style	02		Average				
				MIXED USE			
				Code	Description		Percentage
				1015	LL SUNAPEE		100
				COST/MARKET VALUATION			
				Adj. Base Rate:			86.81
							210,350
				Net Other Adj:			0.00
				Replace Cost			210,350
				AYB			1973
				EYB			1987
				Dep Code			A
				Remodel Rating			
				Year Remodeled			
				Dep %			27
				Functional Obslnc			5
				External Obslnc			0
				Cost Trend Factor			1
				Condition			
				% Complete			
				Overall % Cond			68
				Apprais Val			143,000
				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	L/B	Units	Unit Price	Yr	Gde	Dp Rt	Cnd	%Cnd	Apr Value
FGRI	GARAGE-AVE	24X32	L	768	25.00	2003		0		75	14,400
SOL	SOLAR PANEL		B	3	600.00	1987		1		0	0

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Gross Area	Ejff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	2,268	2,268	2,268		196,894
CRL	Crawl Space	0	2,268	0		0
FEP	Enclosed Porch	0	120	84		7,292
UST	Utility, Storage, Unfinished	0	144	22		1,910
WDK	Deck	0	486	49		4,254
Ttl. Gross Liv/Lease Area:		2,268	5,286	2,423		210,350



LEGEND

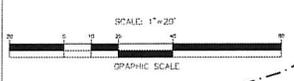
- EXISTING CONDITIONS**
- PROPERTY LINE
 - SETBACK LINE
 - STRIKE WALL/RETAINING WALL
 - EDGE OF WETLAND
 - STREAM/RIVER
 - TRELLISE
 - SHRUBS/PLANTS
 - EDGE OF ROAD
 - FACEBOOK WIRE
 - UNDERGROUND ELECTRIC
 - UNDERGROUND TELECOM
 - UNDERGROUND CABLE
 - DRAIN LINE
 - MAJOR CONTOUR
 - MINOR CONTOUR
 - SHALE 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 507'-x100'	42,259
EXISTING UNALTERED AREA	28,151
WETLAND AREA TO REMAIN UNALTERED (25%)	10,274
EXISTING UNALTERED (S)	64.95

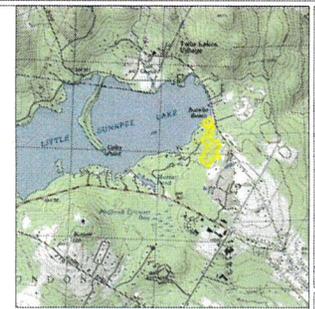
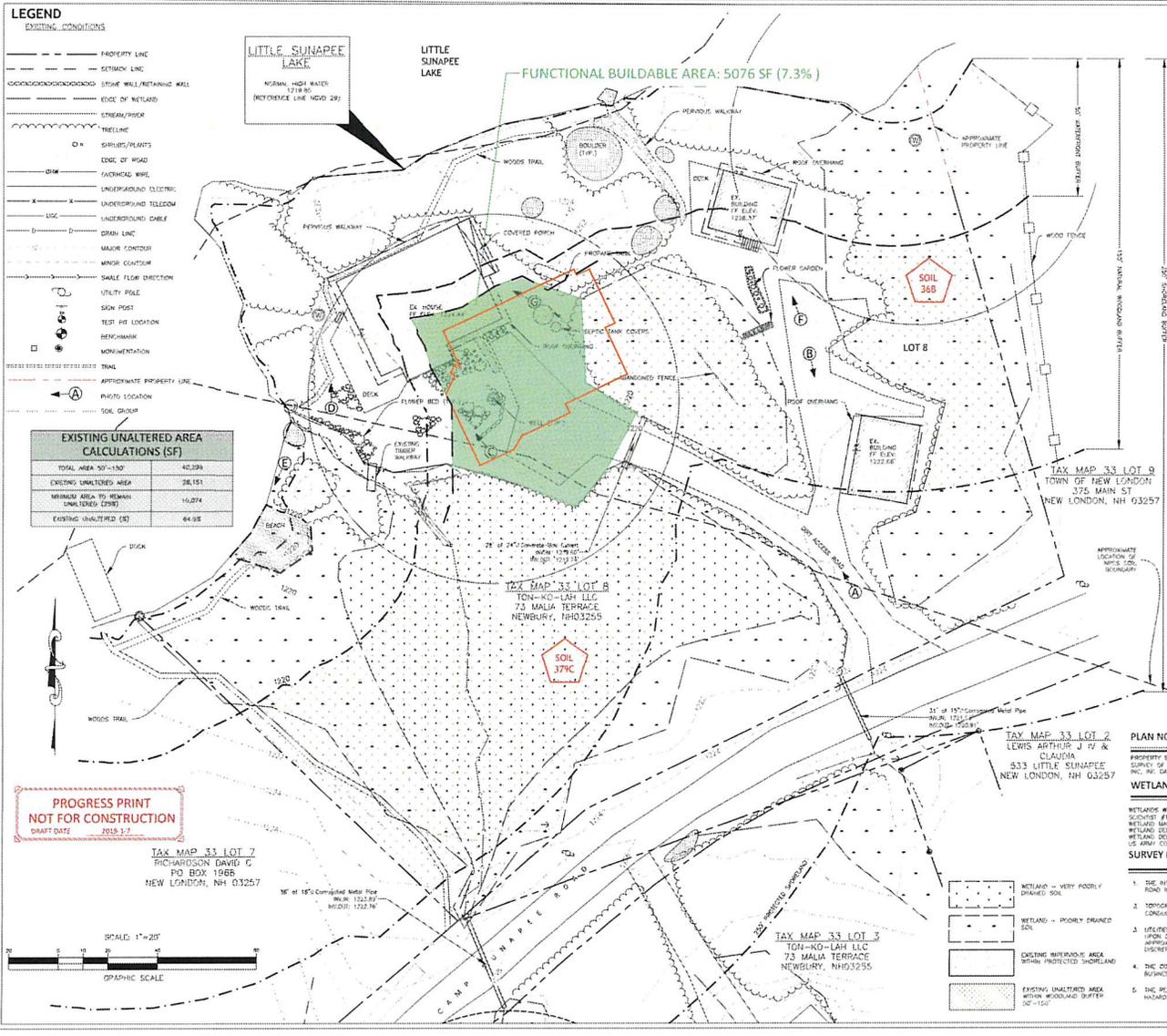
**PROGRESS PRINT
NOT FOR CONSTRUCTION**
SHEET DATE: 2/15/17

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



LITTLE SUNAPEE LAKE
NORMAL HIGH WATER
279.90
(REFERENCE LINE NO.02 28)

FUNCTIONAL BUILDABLE AREA: 5076 SF (7.3%)



LOCATION MAP
1\"/>

- 18 CAMP SUNAPEE ROAD**
NOTES:
1) OWNER OF RECORD/APPLICANT:
TON-HO-LAH LLC
PO BOX 330
NEWBURY, NH 03255
- 21 TAX MAP 33 LOT 8**
NOTES:
1) OWNER OF RECORD/APPLICANT:
TON-HO-LAH LLC
PO BOX 330
NEWBURY, NH 03255
- 27 TAX MAP 33 LOT 2**
NOTES:
1) OWNER OF RECORD/APPLICANT:
TON-HO-LAH LLC
PO BOX 330
NEWBURY, NH 03255
- 21 TAX MAP 33 LOT 3**
NOTES:
1) OWNER OF RECORD/APPLICANT:
TON-HO-LAH LLC
PO BOX 330
NEWBURY, NH 03255

IMPERVIOUS AREA CALCS

CATEGORY	AREA
DRIVEWAY	951
PAVEMENT & DECK	3,578
CONCRETE	1,219
DRIVEWAY & PATHWAY	9,879
TOTAL IMPERVIOUS AREA WITHIN 250'	11,627
SHORELAND PROTECTED AREA	63,656
TOTAL AREA WITHIN 250' SHORELAND PROTECTED AREA	75,283
% IMPERVIOUS	15.44%

PLAN NOTES:

PROPERTY BOUNDARY INFORMATION IS DERIVED FROM A METERSION PLAN TITLED 'PLAN OF SURVEY OF IMPROVED EASEMENT TO ARTHUR J. LEWIS IN CLASUDA, D. LEWIS & NAJARA, INC. RE: SASE: 2/16/14.

WETLAND NOTES:

WETLANDS WERE DELINEATED FOR TAX MAP 33 LOT 8 BY THOMAS SCHWENKER, CERTIFIED WETLAND SCIENTIST #172, OF THE ENVIRONMENTAL SCIENCE CENTER, LLC, ON APRIL 22, 2016. PREPARED THE WETLAND MAPPING ON APRIL 27 AND MAY 3, 2016 ACCORDING TO THE COMPS OF ENGINEERS WETLAND DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE COMPS OF ENGINEERS WETLAND DELINEATION MANUAL, NORTH-CENTRAL AND NORTH-EAST REGION, VERSION 2.0, JANUARY 2012, AS AFRM 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 PLUMBING INFORMATION IS BASED ON A SURVEY CONDUCTED BY GLENN J. FUSSELL, INC. IN MAY, 2016. VERTICAL DATUM: NAVD 83.
- UTILITIES SHOWN DO NOT APPEAR TO CORRELATE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES. ALL DISCREPANCIES SHALL BE REPORTED TO THE TOWN AND ENGINEER.
- THE CONTRACTOR SHALL CONTACT THE STATE (203-344-2233) A MINIMUM OF AT LEAST 3 BUSINESS DAYS (EXCLUDING HOLIDAYS) 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.

18-0439 MULLER SURVEY -- BARNI 18-0439 04/24/2018

FUSS & O'NEIL
REGISTERED PROFESSIONAL ENGINEERS
18 CAMP SUNAPEE ROAD
NEW LONDON, NH 03257
TEL: 603.251.1234
WWW.FUSSANDONEIL.COM

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

EXISTING CONDITIONS PLAN

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

DATE: 1/23/18
REVISION: UPDATE BUILDINGS WITH OVERWASH
DRAWN: CEN
CHECKED: CEN
APPROVED: CEN

RECEIVED
FEB 11 2019
TOWN OF NEW LONDON
ENGINEERING OFFICE

