



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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Date: August 5, 2020
To: Zoning Board of Adjustment
From: Nicole Gage, Zoning Administrator

Case #: #ZBA20-02 two (s) variances
Owner: Donna Lynn Weaver
Applicant: Doug Gamsby, Greenline Property Services LLC
New Parcel ID 106-006-0-0-0
Address: 38 BEAVER POINT
Zone(s): ZONE R-2 (Residential) with FEMA Flood Hazard Area A and Shoreland Overlay (Messer Pond)

Summary of the Case: Ms. Weaver is requesting two (2) variances, so when the current house is demolished and replaced in a similar footprint on the existing foundation, there would be allowed an additional deck footprint in the side setback area. Also, replacement of the house in the 50-foot waterfront buffer would be taller than what is there now.

References to the Zoning Ordinance

| Page | Article | Section | Part |
|------|--|---|---|
| 34* | V* | C* | 2* |
| | Residential Districts | Yard Requirements | (side yard of “an aggregate minimum width of 50 feet with a minimum of 20 feet from any one Side Yard”) |
| 78* | XX* | B* | 4* |
| | Legal Nonconforming Uses, Legal Non-conforming Buildings and Structures, and Legal Non-Conforming Lots | Legal Non-conforming Buildings and Structures | (no vertical expansion in the waterfront buffer when replacing a non-conforming structure) |

*Appeal for Current Application

Description of Property: The property is listed on the assessor’s property card as 0.180 acres, built in 1966, most recently transferred ownership 8/25/2017 assessed at \$396,900, 2 bedrooms, 2 baths, “1 story frame ranch.” The applicant submitted a subdivision plan entitled “Section I, Forest Acres” recorded at the registry of deed on February 7, 1957.

Land Use History:

- ? Parcel ID changed from 106-04 to 106-007-000 (Source: paper Property Files)
- 10/11/1989 It appears this lot was referred to as “Forest Acres Road” at this time, based on the town issued Building Permit #89-131 for “*addition of a study.*”
- 4/20/1999 Town issued a Low Impact Activities Permit #99-29 to “*replace 376 sq. ft. of decks (rotten) same configuration.*” (Source: paper Property Files) (Source: paper Property Files)

Land Use History: (continued)

- 10/17/2007 Town received copy of State DES Wetlands Permit-by-Notification to “*replenish existing nontidal beach and repair/enlarge retaining wall above beach to better hold bank from eroding. Above wall small plantings will be planted at the advise of local zoning director.*” (Source: paper Property Files)
- 11/5/2007 Town issued Building Permit #07-138 to “*repair & enlarge retaining walls & add shrubs & ground cover*” (Source: digital Parcel Files)
- 2019 Parcel ID changed from 106-007-000 to 107-006-0-0-0
- 7/6/2020 State issued DES Shoreland Permit #2020-01400 to “*impact 4,340 square feet of protected shoreland in order to remove existing house to the foundation; reuse existing foundation and rebuild a new house; take down existing detached garage and rebuild attached garage to house; remove existing impervious driveway and construct pervious driveway; install a new septic system.*” (Source: digital Parcel Files)

Other town action required, if appeals are granted (from the zoning office): Apply for (and receive) building/demolition permit. Submit an Erosions & Sedimentation Control Plan and present to Conservation Commission. If proposed post-development lot coverage exceeds 20% (up to 30%) a review by the Planning Board would be required (per Zoning Ordinance, Art. XVI Section H.2). Install erosion control and have it inspected by town before demolition.