APPLICATION FOR A VARIANCE

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

Name of owner/applicant: PIERRE J. BEDARD

Mailing Address: PO BOX 632, NEW LONDON State: NH Zip: 03257

Home Telephone: _____ Work Telephone: 603 526-4928 Cell: _____

Email address: PJBEDARD1@HOTMAIL.COM

Owner of property: TYLER KIPP + CATHERINE NEWICK
(if same as applicant, write "same")

Location of property 495 ELKINS RD

Tax Map Number: 078 Lot Number: 001-000-000-000 Zone: R-1

A variance is requested from the provisions of Article: XXII **Section:** F
of the Zoning Ordinance to permit ERECTION OF A NEW STRUCTURE OR ALTER THE NATURAL SURFACE CONFIGURATION IN THE STREAMS OVERLAY DISTRICT.

Facts supporting this request:

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

2. The spirit of the ordinance is observed: SEE ATTACHED

3. Substantial justice is done: SEE ATTACHED

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

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

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PIERRE J. BEDARD & ASSOCIATES, P.C.

LAND USE CONSULTANTS, SURVEYORS, FORESTERS, & WETLAND SCIENTISTS
P. O. Box 632
NEW LONDON, NH 03257
www.pierrejbedard.com
Telephone 603 526-4928
e-mail: pjbedard1@hotmail.com

Property of
Tyler Kipp & Catherine Newick
495 Elkins Road
Tax Map 0078 Lot 001-000-000-000

Background

The current owners: purchased this property on July 26, 2019 (Merrimack County Registry of Deeds Book 3639 Page 1845). The property includes a 5-bedroom residential dwelling and attached barn. The dwelling is dilapidated and in very poor condition. The property and structures are shown on the 1858 map of Merrimack County with the notation R. H. Messer. The property is bordered by Elkins Road, Grist Mill Brook and property at 527 Elkins Road (TM 78 P 002-000). Our survey indicated a lot area of 0.92 acres (39,872 sq. ft.). Grist Mill Brook is in the Streams Overlay District. The 100-foot natural woodland buffer setback occupies most of the property. The 75-foot setback from the stream also occupies much of the property. The on-site well is located between the driveway and the side porch. The current house encroaches on the 25 foot front yard setback, and the 100 foot Streams Overlay setback. The current septic system is located at the rear of the house and of unknown condition.

The owners would like to demolish the current dwelling and replace it with a smaller structure mostly within the existing footprint. We were contracted to prepare a survey and design a 5-bedroom on-site wastewater system. Our study of the site leads us to believe that, given the limitations of the lot, the optimal site for the system is to the front left of the current house. The footprint of the current dwelling is 1,780 square feet. The proposed dwelling will be 1,008 square feet (28 by 36 feet) and meet the front, side and rear yard setback requirements. The distance to the brook would be increased from 77 feet to 82 feet.

Our proposed septic system design would place the leach field and septic tank 67 feet from the brook and 46 feet from the well. We are requesting a variance for the 100 streams buffer and the 75-foot buffer to stream and well. We will be requesting waivers from NHDES for these setbacks. It is our opinion that the proposed system will provide adequate treatment and improve the current poor condition of the property.

FACTS SUPPORTING VARIANCE REQUEST UNDER

Article II Section 8. Individual Sewage Disposal System
a. No cesspool, septic tank or sewage disposal area shall be constructed or maintained less than 75 feet from the edge of a public water body; from a well; or from a dwelling other than that to which it is appurtenant

Article XXII, Section D.3. b. A natural woodland buffer 100 feet in depth shall be maintained from the ordinary high-water mark of all streams as defined by this ordinance…
Article XXII, Section E. (1) Erection or construction of any new structures; &

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(2). Altering the natural surface configuration by the addition of fill or by dredging.

The variance will not be contrary to the public interest:
The lot has existed and been taxed as a residential lot since the early 19th century The current dilapidated condition is and has been an eyesore to the neighborhood for some time. A new structure will only enhance the value of surrounding properties and will be welcomed in the neighborhood.

The spirit of the ordinance is observed:
The lot meets the conditions of Article XX. C. 2. "*All Other Legal Nonforming Lots: Any other Lot with less area or Frontage than required which is lawfully established, recorded and taxed as a Lot of Record before the enactment or amendment of this Ordinance, shall be deemed a conforming Lot.*" Several abutting properties in the neighborhood are smaller in size, currently have an existing dwelling which also do not meet the requirement of this ordinance. The proposed structure will meet front, side, and rear, dimensional setback distances.

Substantial justice is done: The property will be improved and a neighborhood eyesore will be gone.

1. ***The value of surrounding properties is not diminished;*** Surrounding property values should benefit from the removal of this eyesore and new improvements.

5. ***Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.***
Property taxes have been paid on this property as a residential lot from the beginning. There is no prospect of meeting the provisions of the requested variances on this lot given its condition.

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;

As stated above, the property has existed and been taxed as a residential lot since its creation. Its size location and geometry make it unfeasible to meet the regulation.

and

(2) The proposed use is a reasonable one;

The proposed impacts to the site are only those needed for demolition and reconstruction of a residential dwelling and wastewater disposal system. The proposed improvements will make it more nearly conforming and less non-conforming.

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.

Many of the adjoining properties in this historic village with existing residential dwellings also do not meet the requirements of this ordinance. Many of them have made improvements and replaced their wastewater treatment systems. All these properties were created prior to establishment of these articles.

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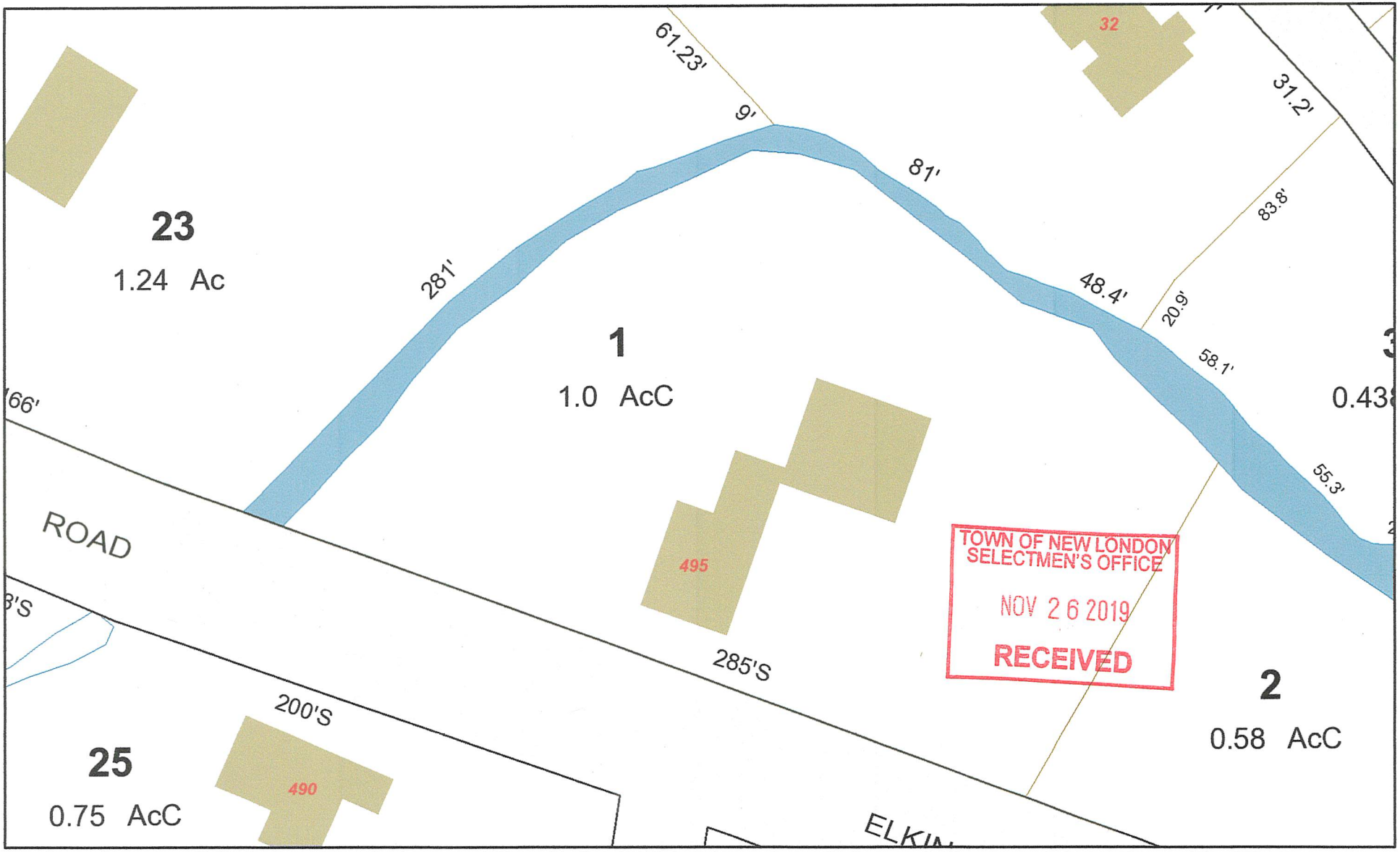
495 Elkins Road

New London, NH

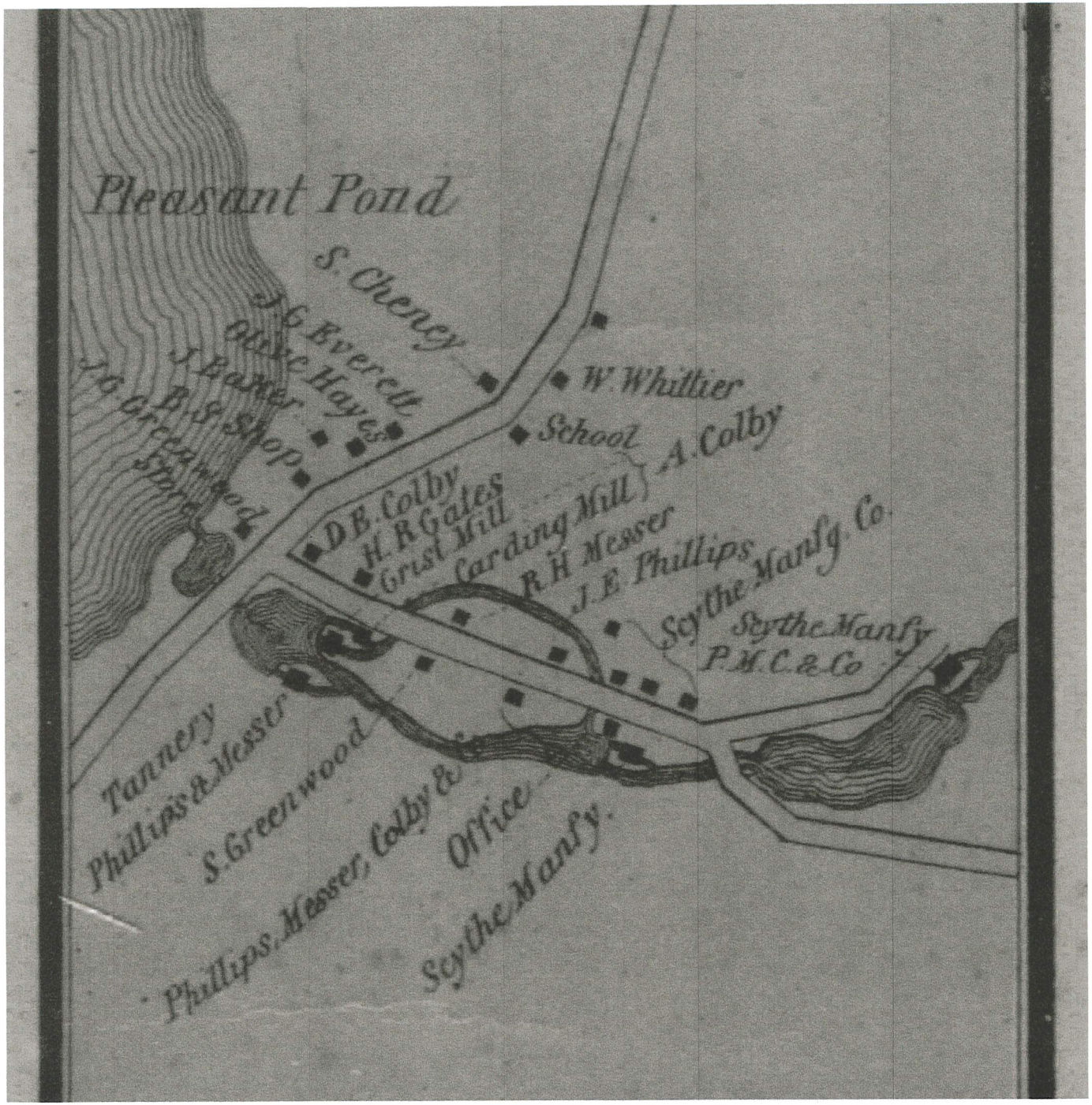
1 inch = 50 Feet

0 50 100 150

November 20, 2019



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.



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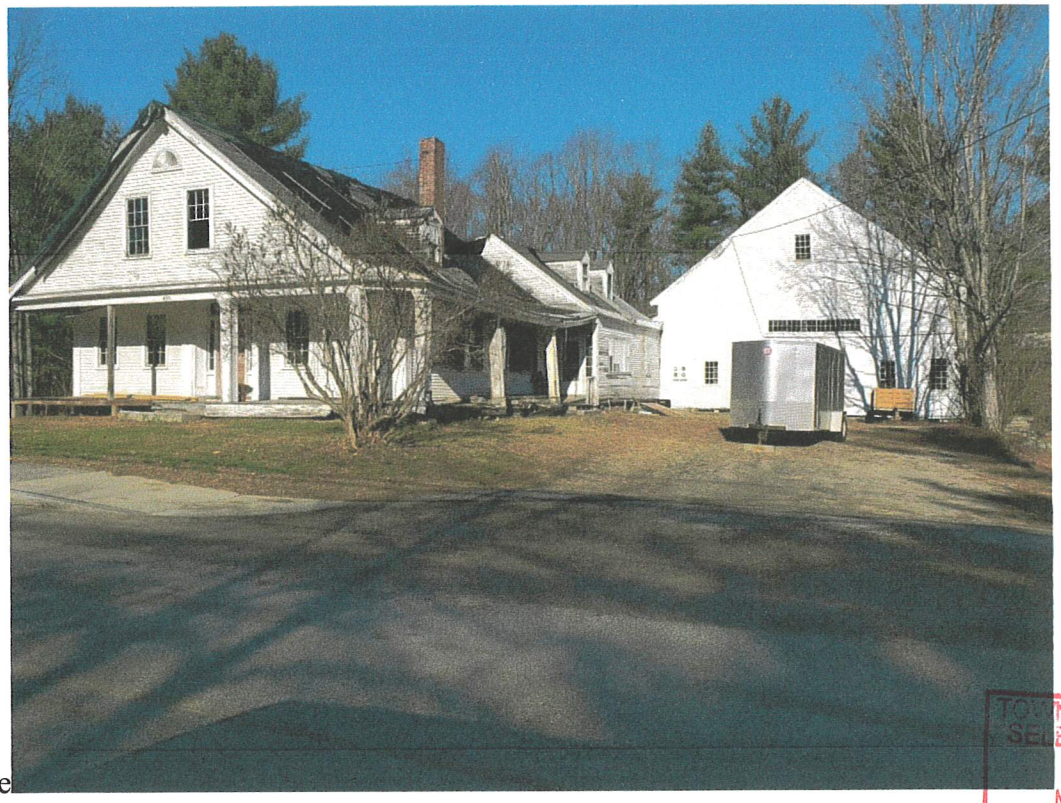
P/O 1958 MAP OF MERRIMACK COUNTY (ELKINS)

A. 11/21/2019 North and front side at Septic system site



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B. 11/21/2019 Front and South side.

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Letter of Authorization

RE: Tax Map 078 Parcel 001-000, 495 Elkins Road.

To Whom It May Concern:

I have authorized Pierre J. Bedard to act as our agent for matters presented before the Town of New London Zoning Board of Adjustment on our property at 495 Elkins Road., Tax Map 078 Parcel 001-000.

Thank you for your consideration of this matter.

Sincerely,

Tyler Kipp

Catherine Newick

Date: Nov. 21, 2019

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