

2

ZBA 18-05

APPLICATION FOR A SPECIAL EXCEPTION

To: Zoning Board of Adjustment, Town of New London

Name of owner/applicant: Continuum Health Services, Inc. c/o Atkins Callahan, PLLC

Mailing Address: 20 Depot Street, Suite 220, Peterborough State: NH Zip 03458

Home Telephone: \_\_\_\_\_ Work Telephone: 603-845-1959 Cell: \_\_\_\_\_

Email address: jcallahan@atkinscallahan.com

Owner of property: The New London Hospital Association, Inc.

(if same as applicant, write "same")

Location of property 273 County Road, New London, New Hampshire

Tax Map Number: 72 Lot Number: 17 Zone: R-1

APPLICATION FOR A SPECIAL EXCEPTION

The applicant is applying for a Special Exception use, structure or activity that is permitted with the review and approval of the ZBA, as specified in the Zoning Ordinance by Article: XIII Section: E.1, and can best be described as follows;

*crossing a wetland allowed by Spec. Ex.*

Allow wetlands impact and crossing at property in connection with proposed development

*Art. XIII  
Wetlands Cons.  
O.D.  
must refer to  
ConCom and  
DES 30 days  
prior to  
hearing*

Explain how the proposal meets the special exception criteria as specified in Article: XXI, Section: G of the zoning ordinance [list all criteria from ordinance]

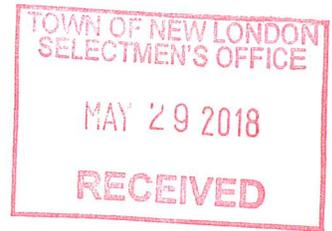
Criteria 1 - Please see attached

Criteria 2 - \_\_\_\_\_

Criteria 3 - \_\_\_\_\_

Owner/applicant(s) signature Michael Black Date 5/23/18

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.



- A. The location and size of the site and its Use, the size and design of the Structures, the nature and intensity of the operation involved and the location of the site with respect to existing and or planned public highways and rights-of-way giving access to it, shall be such that it will be in harmony with the surrounding area:** This use is permitted by Special Exception as outlined in Article XIII of the New London Zoning Ordinance (the “**Ordinance**”). The Use and proposed Structures to be located on the property fit well within the site. The larger building will be adjacent to the New London Hospital and will blend in with the size and scope of that facility. The detached Units will be scattered further back on the property and will provide a nice transition to less intensely developed land. The Applicant’s project engineers are working with traffic experts to insure that access will be appropriate and in harmony with surrounding areas.
- B. The location, nature, design and Height of the Structures and their appurtenances, their scale with reference to their surroundings, and the nature and intensity of the Use, shall not have an adverse effect on the environment nor discourage the appropriate and orderly development and Use of land and Buildings in the neighborhood, impair the value thereof, or otherwise be detrimental or injurious to the neighborhood, by reason of a tendency to produce noise, vibration, light, dust, smoke, fumes, odor, unsightliness, refuse manner or other detrimental condition:** The New London Master Plan contains numerous references and recommendations to concentrate residential development adjacent to the village center and in areas where there is town water and sewer. This property meets that criteria. Also, in the Vision Statement outlined in the Master Plan, the desire to develop senior living adjacent to the New London Hospital is expressed. This project satisfies that aspect of the vision statement. The intended use will not have an adverse impact on the environment nor will it discourage the appropriate and orderly development and use of the land. The impacted wetlands are less than .005% of the property and will involve minor crossings and disturbances.

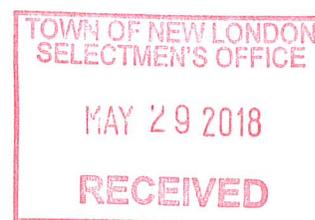
Using U.S. Army Corps of Engineers guidelines, typical wetlands functions, include: 1) Groundwater recharge/discharge; 2) Flood flow Alteration; 3) Fish and Shellfish Habitat; 4) Sediment/Toxicant/Pathogen Retention; 5) Nutrient Removal/Retention/Transformation; 6) Production Export; 7) Sediment/Shoreline Stabilization; 8) Wildlife Habitat; 9) Recreation; 10) Education/Scientific Value; 11) Uniqueness/Heritage; 12) Visual Quality/Aesthetics; and, 13) Threatened or Endangered Species Habitat.

The primary function of wetlands on the property is groundwater recharge/discharge. The de minimis loss of this function as a result of the Applicant’s activities will be more than compensated for vis-à-vis improved drainage and other engineering activities undertaken on the Property.

- C. The Use is specifically allowed as a Special Exception under the terms of this Ordinance:** The proposed use is allowed so long as the criteria outlined in Article XIII, E.1., of the Ordinance are addressed. 1) after careful consideration, the proposed layout of the project has the least impact on wetlands. There are not alternatives with a lesser impact. Runoff will be adequately addressed by the Applicant.



- D. Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage and other necessary public or private services, are approved or assured, to the end that the Use will be capable of proper operation. This requirement may be waived if review of the same subject matter by the Planning Board lies within its jurisdiction and appears assured:** The proposed Use of the property will be serviced by municipal water and sewer. The Applicant will provide water, sewer, and, hopefully, natural gas to the site. The site will be served by cable television and broadband access. Building construction will be state of the art, energy efficient, and in conformance of all applicable building code and life/safety codes. The site will be engineered to insure that there are no drainage or snow removal/storage problems. The property will be professionally landscaped to insure that natural resources are highlighted and that the property is aesthetically pleasing.
- E. The Use will not be detrimental to vehicular and pedestrian traffic movement in the neighborhood nor cause traffic congestion:** There will be adequate parking and traffic design to operate the facilities located on the property. The facility will also provide bus and van transportation to its residents which will also alleviate traffic.
- F. The proposed Special Exception conforms to all other requirements of the Zoning Ordinance.** The proposed Special Exception conforms to all other zoning requirements. The Applicant will present an Erosion and Sedimentation Plan as required by the Ordinance.
- G. That the Use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation or undue violation of the character of the neighborhood.** The proposed use is a desired use as outlined in the New London Master Plan. The larger building would blend in with the New London Hospital and the detached units would provide a good transition to the more rural character of town that is found further down Parkside Road.
- H. The proposed Structures and/or Use shall be compatible with the spirit and intent of the Zoning Ordinance.** The purpose of the Wetlands Overlay District regulations is to provide areas for floodwater storage, wildlife habitat and groundwater recharge. The site will be engineered to provide for adequate floodwater storage and groundwater recharge. The affected wetlands are not wildlife habitats.



for Special Exc Case # ZBA18-05  
and Variance Case # ZBA18-06

**Town of New London – Zoning Board of Adjustment**

Variance Application – Article II, Section 5

Special Exception – Article XIII, Section E.1

Continuum Health Services, Inc. (“Continuum”)

Map 72, Lot 17 – 273 County Road (the “Property”)

This statement is intended to supplement Continuum’s Variance and Special Exception Application in connection with its proposed development of the Property into a senior living community (the “Project”).

1. **WHO owns the property? If the applicant is not the owner, this must be explained.**  
The New London Hospital Association, Inc. (the “Hospital”), owns the Property. Continuum has been working with the Hospital on a plan to develop the Project. Continuum has successfully developed, owned and operated numerous senior living facilities in the State of Maine. The Hospital’s leadership has indicated that its participation in this Project and sale of the Property to Continuum would further the Hospital’s charitable mission and serve the community.
2. **WHERE is the property located?** The Property is located adjacent to the New London Hospital off of County Road, and Parkside Avenue. Attached is a portion of the New London Tax Map that shows the Property.
3. **DESCRIBE the property. Provide area, frontage, side and rear lines, slopes and natural features, etc. Plans must include pertinent measurements relative to your request, i.e., measurements from property lines, wetlands, driveways, etc.** The Property consists of approximately 50 acres +/- although the Hospital intends to subdivide off an approximate 6 acre parcel on the northwesterly corner of the Property located within the Commercial Zone. Property features are shown on the Steep Slopes and Wetlands Impact Plan prepared by Jones & Beach Engineers, Inc., included with this application.
4. **WHAT do you propose to do?** Continuum intends to develop a senior living facility that will be a mix of independent living apartments and cottages, assisted living units, and a memory care unit.
5. **WHY does your proposed use require an appeal to the Zoning Board of Adjustment?**  
The Project will require several wetlands crossings. In addition, the large assisted living/independent living (apartments)/memory care unit will exceed the 35’ height limitation imposed under Article II, Section 5 of the New London Zoning Ordinance.



6. **WHY should the appeal(s) be granted?** The site is challenging from a development perspective given steep slopes, soils and wetlands. Continuum, working with the Hospital, has generated over 30 different iterations of the Project development plan taking into consideration site conditions and Hospital input. Given the scope of the Project and Property conditions, the wetlands crossings are very limited in nature and impact less than .005% of the Property. Professional input from the Hospital's and Continuum's consultants have suggested that the large mixed use building will optimize the delivery of services to residences. Site topography with a changing grade has caused this optimized design to exceed the height restriction. Continuum will demonstrate that it has met the special exception and variance standards under New Hampshire law and New London regulations.



for Special Exc. Case#  
ZBA18-05

# JONES & BEACH ENGINEERS INC.

85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885  
603.772.4746 - JonesandBeach.com

June 21, 2018

The project has been designed to minimize wetland impacts. A majority of the impacts are for site access from County Road to Parkside Avenue. The project circulation works best connecting to two town roads, alternatives were considered but the current design has the least impact on wetlands. Connection between the two roads could not be achieved without impact to the wetlands. Roadway side slope have been designed with a 2:1 side slope to minimize impacts.

Very truly yours,  
**JONES & BEACH ENGINEERS, INC.**

Wayne G. Morrill  
Vice President





TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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

June 27, 2018

New London Conservation Commission - [nl\\_nhcc@yahoo.com](mailto:nl_nhcc@yahoo.com)  
375 Main St., New London, NH 03257

United States Department of Agriculture (USDA)  
*formerly known as the Soil Conservation Service (SCS)*  
Rick Ellsmore, State Conservationist  
USDA Natural Resources Conservation Service  
273 Locust St, Suite 2D  
Dover, NH 03820

New Hampshire Wetlands Board  
27 Hazen Drive  
PO Box 95  
Concord, NH 03301

In accordance with the Town of New London Zoning Ordinance, Article XIII, Section E, you are hereby notified that the New London Zoning Board of Adjustment will hear a request (outlined below) for a parcel located within the Town's Wetlands Conservation Overlay District. Your organization is welcome to submit comments to the New London Zoning Board by email ([zoning@nl-nh.com](mailto:zoning@nl-nh.com)) or by mail or hand deliver (to 375 Main St., New London NH 03275) prior to the hearing date.

NEW LONDON  
ZONING BOARD OF ADJUSTMENT (ZBA)  
Tuesday August 7, 2018  
6:30 PM Meeting at the Town Office, 375 Main St.  
Public Meeting - All Are Welcome to Attend

- **PUBLIC HEARING for Case #ZBA18-06. Applicants Mike Black of Continuum Development & Attorney James Callahan and Owners New London Hospital Association request a Special Exception for Wetlands Crossing, per XIII, E.1 to allow wetlands impact and crossing in connection with a proposed development for a senior living community (planned unit development). The lot is located on County Road in the R-1 (Residential) zone and is identified as Parcel ID 072-017-000.**

Special Exceptions may be granted by the Zoning Board of Adjustment after proper public notice and public hearing, for undertaking the following Uses in the Wetlands Conservation Overlay District when an application has been referred to the Conservation Commission, Soil Conservation Service, and New Hampshire Wetlands Board for review and comment at least 30 days prior to the hearing. The Zoning Board of Adjustment shall consider all review comments received by the date set for the hearing.

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.

Page 2  
June 27, 2018  
New London Conservation Commission  
USDA Natural Resources Conservation Service  
New Hampshire Wetlands Board

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 at (603) 526-1246 to review the files or if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Gage". The signature is fluid and cursive, with the first name "Nicole" written in a larger, more prominent script than the last name "Gage".

Nicole Gage  
Zoning Administrator  
(603) 526-1246 | [zoning@nl-nh.com](mailto:zoning@nl-nh.com)

CC: New London ZBA



# New London Hospital

## Dartmouth-Hitchcock

Nicole Gage  
Zoning Administrator  
Town of New London  
375 Main Street  
New London, NH 03257

Ms. Gage,

This letter authorizes James Callahan, Esq. to represent The New London Hospital Association, Inc. at the New London Zoning Board of Adjustment for the purpose of seeking a variance and special exception for the Senior Living Community Project.

If you have any questions or concerns, please do not hesitate to contact me at 603-526-5241.

Thank you,

Bruce P. King  
President and CEO

Authorization

New London Hospital Association, 273 County Road, New London, New Hampshire 03257, owner of property located in New London, New Hampshire, known as Tax Map 72, Lot 17, does hereby authorize Michael Black, of Continuum Development, LLC (and Continuum Health Services, Inc.), of Lewiston, Maine, to represent it at the New London Planning and Zoning Boards.

New London Hospital Association

By: Brian P. King

Dated: July 10, 2018



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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

Mr. Mike Black  
Continuum Development  
250 Goddard Road  
Lewiston, ME 04240

May 24, 2018

RE: Continuum Development: New London Place/Retirement Care Community

Dear Mr. Black,

The Planning Board has determined that prior to approval of the New London Place development, you will need to seek two Variances and one Special Exception from the New London Zoning Board of Adjustment (ZBA). They are as follows:

**Variances:**

1. The height of the proposed building exceeds the maximum height of thirty-five (35) feet as defined in Article II, 5 of the New London Zoning Ordinance.
2. The proposal includes slopes that are greater than the 25% allowed as defined by Article XIV, C, 1 of the New London Zoning Ordinance.

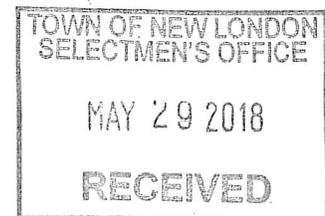
**Special Exception:**

1. The proposal includes wetlands crossing which are required to seek a Special Exception from the ZBA per Article XIII, E of the New London Zoning Ordinance.

For further discussion of the ZBA process and to file an application, please contact Nicole Gage, Zoning Administrator, at 526-1246 or [zoning@nl-nh.com](mailto:zoning@nl-nh.com). Her office hours are Monday-Wednesday from 8:00 AM to 4:00 PM.

Respectfully,

Adam Ricker  
Town Planner  
New London, NH



CC: Nicole Gage, Zoning Administrator