



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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NOTICE OF DECISION
New London Zoning Board of Adjustment

RE: R. PETER BIANCHI & KATHLEEN BIANCHI

NOVEMBER 17, 2009

MAP 062, LOT 023-000

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of R. Peter Bianchi & Kathleen Bianchi. The applicants requested a Use Variance to permit the extension of an existing Home Business onto an abutting parcel of land on which they do not reside (contrary to Article II, Section 15, b, 2 of the New London Zoning Ordinance), and to permit the Commercial Use of the abutting parcel for their excavation business (contrary to Article V, Section A of the New London Zoning Ordinance). After hearing testimony and deliberating again on December 7, 2009, the Board found the following facts:

1. The proposed use would diminish property values.

The Board determined that the proposed commercial use would have a negative long term impact on the value of abutting properties because of the frequent presence of construction equipment on the property and the related visual and auditory impacts.

2. Granting variance would be contrary to the public interest.

The Board concluded that the potential for degradation of visual and auditory attributes in the neighborhood resulting from the presence of construction equipment would not be in the public interest.

3. Denial of the variance would not result in unnecessary hardship to the owner.

a. The Board concluded that there is nothing unique about the property in its environment that would lead the Board to believe that the residential use restriction interferes in any way with the reasonable use of the property and that a business of this scale more appropriately belongs in a commercial zone.

b. and that the general purpose of the zoning restriction, as applied in this case, directly enhances the value and utility of all properties in the neighborhood.

c. and that the proposed use would injure the private rights of others because of the scale and nature of the business in the midst of an otherwise quiet residential neighborhood..

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

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4. The use is contrary to the ordinance

The Board concluded that allowing the continued operation of an excavation business in a lakefront residential neighborhood, where no other commercial use exists or is contemplated, would be contrary to the spirit of the ordinance, given the goal of enhancing the rural character of the Town.

By unanimous vote, the Zoning Board of Adjustment DENIED the application for a use variance and allows that the applicant has until December 31, 2012 to comply with the regulations cited above.

William Green, Chairman

Jeff Horton

Douglas Lyon

Courtland Cross

W. Michael Todd