

# APPLICATION FOR A VARIANCE

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

Name of owner/applicant: Otter Pond Protective Association

Mailing Address: PO Box 26, Georges Mills State: NH Zip: 03751

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_ Cell: 978-846-3522 (Stuart Greer, Co-President)

Email address: bsgreer@msn.com (Stuart Greer, Co-President)

Owner of property: Same  
(if same as applicant, write "same")

Location of property Beach on Otter Pond at Otterville Road, New London, NH

Tax Map Number: 41 Lot Number: 2 Zone: Agricultural/Rural Residential

**A variance is requested from the provisions of Article: II Section: 10.g.  
of the Zoning Ordinance to permit installation of one free-standing sign, 17.93 SF in size,  
including wooden framing.**

Facts supporting this request:

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

2. The spirit of the ordinance is observed: Please see attached

3. Substantial justice is done: Please see attached

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

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



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;  
Please see attached
- 
- 

and

- (2) The proposed use is a reasonable one;  
Please see attached
- 
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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.

*Please see attached*

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Owner/applicant(s) Signature: \_\_\_\_\_

*Edward S. Gump*

Date: \_\_\_\_\_

*6/8/21*

**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

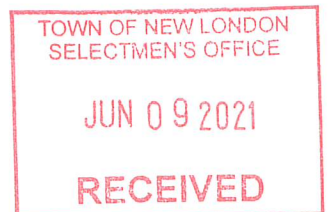
Email: [zoning@nl-nh.com](mailto:zoning@nl-nh.com)

Or

Assessing Coordinator

603-526-1243

Email: [landuse@nl-nh.com](mailto:landuse@nl-nh.com)



**Otter Pond Protective Association  
Beach Sign  
Application for Variance**

Background

The beach on Otter Pond at Otterville Road, New London, New Hampshire and two adjacent parcels were transferred by Dorothy Gordon to the Otter Pond Protective Association (OPPA) in 2006. An Ausbon Sargent Land Preservation Trust (ASLPT) easement exists so that each remain open land for recreation.

The beach is unique in that, unlike other beaches in the area, it is not access restricted by a trespassing prohibition, limited hours, town of residence requirement or state management. Animals are allowed. It is open to all visitors, and has been for many, many years. The beach offers visitors access via private property to a charming pond that they would not otherwise have, for swimming, fishing, boating, merely cooling off and other waterfront enjoyment. This popular site is already busy during weekends this year. While it has always been an accommodating setting, last year's overflow of visitors due to an exceedingly hot summer and COVID limitations exacerbated the occurrence of trash and other pollution. There have been water access disagreements among visitors, and some could not launch or land their boats without contentious discussions. OPPA does not expect significant visitor behavior changes without some mitigating action.

Otter Pond is used as drinking water by shoreland owners and provides more than 50% of Lake Sunapee's surface level layer water. The risk of jeopardizing water quality is detrimental to the future of these bodies of water, and therefore wildlife, vegetation, local property values and the tax base.

In April of 2021, OPPA volunteers removed several truckloads of trash that had accumulated since last year from the beach and surrounds. Trash continues to accumulate regularly, putting the water at risk.

Current beach signage includes one 1.5 foot by 1 foot "No Ski Craft" and one 1 foot by 2.5 "Clean Boats Clean Waters" placed by the state.

There is no public boat launch on the beach, and we do not intend to have one. However, in anticipation of minimizing access disputes, specific parking limitation signs have been discussed with the New London Police department and Department of Public Works, the wording and placement of which is to be finalized.

OPPA requests a variance of Article 2, Section 10, Paragraph g to install one free-standing sign of approximately 18 square feet in size (the sign itself is 3.5 feet by 4 feet) on the beach. Of necessity is the sufficient size to be noticeable and readable from a distance by beach visitors. The unlit sign would be wood-framed and supported by wood posts, and within the 12 foot height restriction. Please see the attached proof.

We would prefer not to erect multiple smaller signs beach that would be counter to prior landowner's and OPPA's wishes in preserving the aesthetic beauty of the area. We wish to maintain limitation of





excess signage while alerting visitors to fragile nature of land. We are requesting a variance approval for a sign larger than that stipulated in the Zoning Ordinance.

We are also requesting Shore Land Overlay Article 16, Section C, paragraph 2 variance approval for placement in light of space limitation of approximately 22 feet from waterline and road asphalt edge, most of which area is taken up by parked vehicles. The beach land area usable by visitors is approximately 5 feet deep, considering vegetation, waterline and right of way. According to the New London Department of Public Works, the sign must be placed off the road near an existing tree to guard against impeding snow removal and damage of the sign during same.

#### Variance Standards

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

It is in the public interest for signage to be visible and informative. The proposed signage will benefit the public by affirming the presence of the beach, and although privately owned, unfettered access is allowed.

The sign's purpose includes to show private ownership and conservation, with continued public access while asking individuals to respect and maintain the cleanliness of the area. The sign option has been approved by the OPPA Board of Directors (and Sue Venable, daughter of the late Dorothy Gordon).

2. *The spirit of the ordinance is observed*

The granting of a variance will not be contrary to the spirit and intent of the Ordinance because, as mentioned above, the purposes of the sign regulations in the Zoning Ordinance include preventing hazards to vehicular traffic and pedestrian safety, facilitating efficient and effective communication, supporting economic development and community vitality, and enhancing the community character by mitigating the visual effects of signs. The sign will increase visibility, promoting convenience of the inhabitants of New London and the surrounding area, as well as the visual aesthetics of the beach and nearby land from reduced pollution and increased vitality. Moreover, the sign will be consistent with the overall spirit and intent of the Zoning Ordinance.

Although not part regulated by this ordinance, the placement of "No parking between signs" signage by the New London Department of Public Works, will, in combination with the proposed signage, provide clearer access by boaters.



3. *Substantial justice is done:*

The harm to OPPA, Otter Pond and Lake Sunapee by strict enforcement of the Zoning Ordinance will far outweigh any benefit to the public in this case. The beach and surrounding ecosystem have been subject to overuse, trash of many types, feces, fires, other pollution, erosion and various forms of unpleasant occurrences. OPPA does not wish to prevent access to its private property, but not allowing the sign will create a continued hardship and risk to the water and land.

Of necessity is the sufficient sign size to be noticeable and readable from a distance by beach visitors.

Granting the variance will therefore result in substantial justice.

4. *The value of surrounding properties is not diminished and:*

The proposed sign is of reasonable size and location and its materials consistent with the surrounding rural area. It is smaller in size than other local beach and trail signs. Versus having multiple signs within the 4 square foot regulation size placed at intervals along the beach, the aesthetic quality of which would be questionable, OPPA intends to place one sign. The material uses a wooden frame and posts, which OPPA would stain next year. The sign does not than diminish the value of surrounding properties in that a primary purpose for the sign is to promote responsible actions by visitors to care for the area land and water, helping to maintain the quality of each.

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

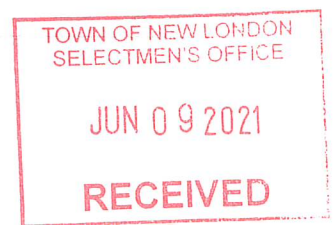
A. *For the purposes of this hardship, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area*

1. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application to the Property.*

The Zoning Ordinance recognizes the importance of signs to provide efficient and effective communication, supporting economic development, and informing the community of available goods, services, and activities. Given the importance of the sign to the existence of clean water, the sign is consistent with this very purpose. There is no fair and substantial relationship between the general purposes of the Zoning Ordinance and restriction on the size of the sign in view of the particular and unique characteristics of the beach and surrounding area by supporting its care and conservation. The proposed sign is consistent with the area and located in such a way that there will be little to no visual impact on the surrounding area. The visibility of sign due to its dimensions will prevent hazards to traffic.

2. *The Proposed Use is Reasonable.*

The unique conditions of the beach that distinguish it from other properties in the area are, as noted. The beach is open to all visitors and offers them pond access that they would not otherwise have.



Unlike other beaches in the area, it is not access restricted by a trespassing prohibition, limited hours, town of residence requirement or state management. It is open to all visitors.

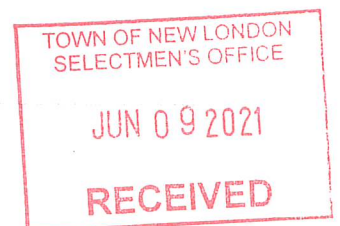
The sign is reasonably sized for the surrounding area, allowing for readability at a distance, and is reasonably placed, being a distance from residential properties but viewable to beach traffic. The sign must be large enough to be visible from a distance in order to clearly indicate that the beach exists, is owned by a private party, allows access, and requests no adverse impact on the land and water. The sign will not create any adverse visual impact or confusion. As noted, denying the variance will enable continuing abuse of the area at the present rate, or worse.

Limiting the size of the sign to that of a less visible and readable level negatively impacts the beach's aesthetic, viable, natural and economic value of the surrounding area.

The Proposed Signs would therefore be consistent with the surrounding neighborhood and abutting properties and would not alter the essential character of the neighborhood.

*B. If the criteria of subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions that distinguish it from other properties in the area, the property cannot be used in strict conformance with the ordinance, and a variance is therefore necessary to allow a reasonable use of it.*

Unlike other area beaches, OPPA's beach is not staffed and does not impose limited use by the public. The sign enhances community character by mitigating the visual effects, particularly that of littering and illegal dumping. To limit or eliminate pollution risk of the water without measures such as the sign, OPPA would have to remove public access, which is not desirable. Visitors may now enjoy access to this open land without restrictions, consistent with community vitality by informing the community of available services and activities. OPPA would like to see this continue.







TOWN OF NEW LONDON
SIGN PERMIT APPLICATION

PERMANENT SIGN X FEE \$ 10.00 DATE PAID
OR TEMPORARY SIGN NO FEE DATE(S) POSTED

Name of Applicant/Owner: Otter Pond Protective Association

Address: PO Box 26, Georges Mills, NH 03751

Telephone(s): 978-846-3522 (Stuart Greer, Co-President)

Email address: bsgreer@msn.com (Stuart Greer)

Location of sign (address): Beach on Otter Pond at Otterville Road, New London, NH

Tax Map#: 41 -2 -0 -0 -0

Size in square feet: 18

Means of sign support: Two 4 x 4 lumber posts

Wording on sign: Please see attached

Please attach a site sketch and/or building sketch showing the location of proposed sign, height, distance to sidewalk, street, and side property lines, and dimensions of the sign including trim, decorations and supporting brackets.

REPLACES EXISTING SIGN: No X Yes

THIS IS ADDITIONAL SIGNAGE: No X Yes

In accepting this permit, the applicant and the owner of the property agrees that the proposed sign will conform with all the provisions of the New London Zoning Ordinance (see Article II, section 10) and will hold harmless the Town of New London, its duly appointed agents, officers and employees against any action for personal injury and/or property damaged sustained by reason of the exercise of this permit.

Signature of Applicant Stuart B. Greer Date 6/8/21

Signature of Property Owner Stuart B. Greer Date 6/8/21

A permit is hereby granted/denied for the sign described in the attached application under the conditions stated therein and in accordance with the provisions of the New London Zoning Ordinance.

SIGN IS: APPROVED DENIED

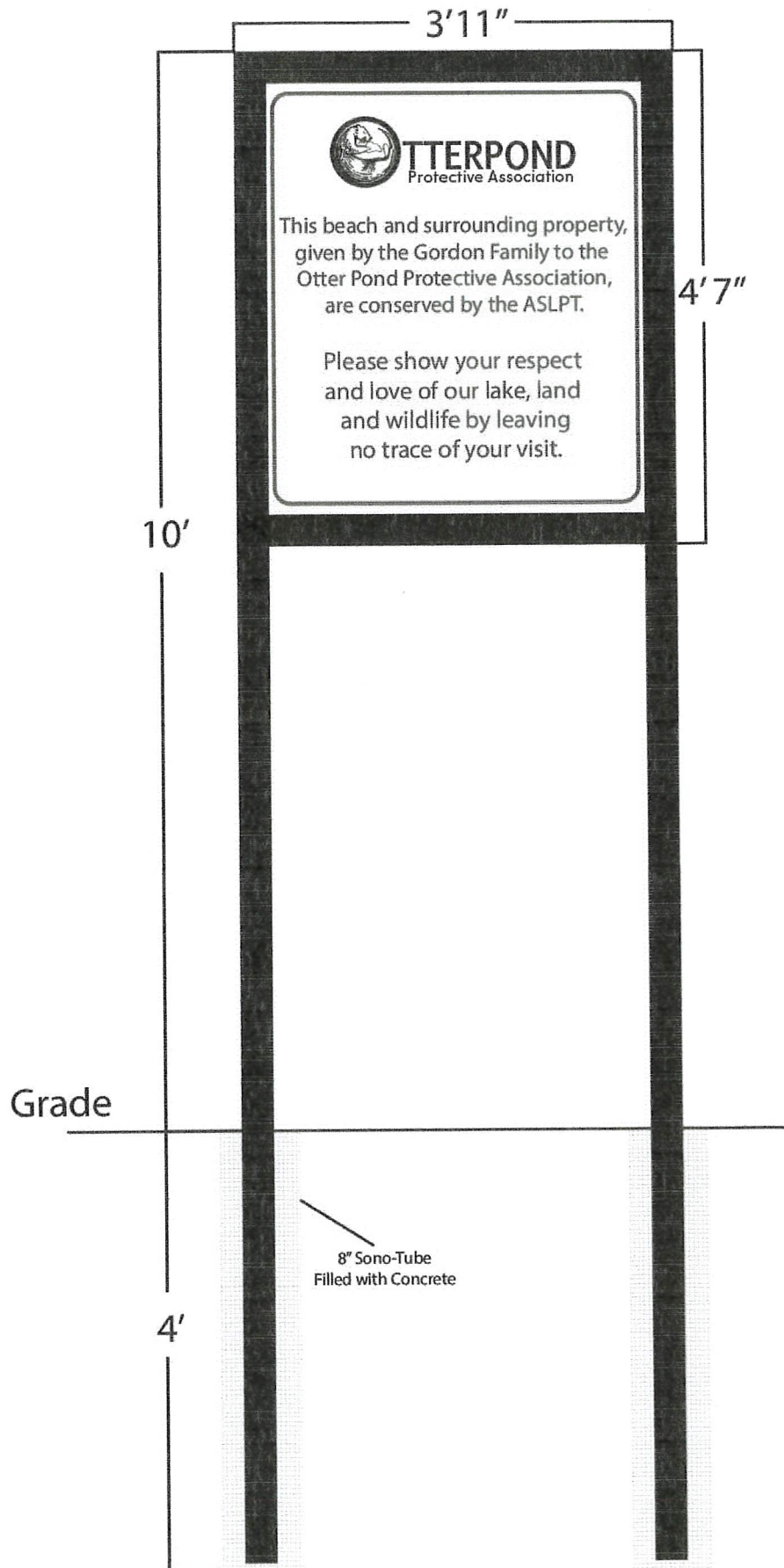
Reason if denied:

Zoning Administrator Date

Town Administrator Date



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TOWN OF NEW LONDON  
SELECTMEN'S OFFICE

JUN 09 2021

RECEIVED