

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: XVI Section: C.2.
of the Zoning Ordinance to permit installation of one free-standing sign on a beach

with a common depth of only 5 feet from road to waterline.

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
-
-

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

Owner/applicant(s) Signature:

Stuart S. Guy

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

Or

Assessing Coordinator

603-526-1243

Email: landuse@nl-nh.com

TOWN OF NEW LONDON
SELECTMEN'S OFFICE

JUN 09 2021

RECEIVED

**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.

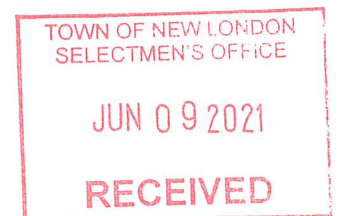
Otter Pond is used as drinking water by shoreland owners and provides more than 50% of Lake Sunapee's surface level layer water. The risk of jeopardizing water quality is detrimental to the future of these bodies of water, and therefore wildlife, vegetation, local property values and the tax base.

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 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.



We are also requesting a variance approval of Article 2, Section 10, Paragraph g to install one free-standing sign of approximately 18 square feet in size (including frame) 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.

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 sign 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 Shoreland Ordinance include protect, maintain and enhance the quality of lakes, conserve and protect aquatic and terrestrial habitat associated with lake areas, preserve and enhance those recreational aesthetic values associated with, encourage those uses that can be appropriately located adjacent to shorelines and protect and promote public health, resource conservation and the general welfare.

The sign, which notes the conservation land and asks for proper conservation practices, is completely consistent with the overall spirit and intent of the Zoning Ordinance.

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.*

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 sign will be installed using concrete footings, permanently establishing that no (other) land disturbance will occur.

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. It cannot be placed at any location other than in a prominent location on the beach's apron of land. As noted, denying the variance will enable continuing abuse of the area at the present rate, or worse.

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.

