

APPLICATION FOR A VARIANCE
ZONING BOARD OF ADJUSTMENT | BRADFORD, NH 03221

APPLICATION RECEIVED DATE: _____

CASE NO. _____

NAME OF APPLICANT: Jason Bugg

MAILING ADDRESS: 5 Parsons Hill Road, Wenham, MA 01984

TELEPHONE NUMBER: 617-501-7931

PROPERTY OWNER: same

(If same as applicant, enter "same")

LOCATION OF PROPERTY: 2780 Route 114, Bradford, NH 03221

TAX MAP NUMBER: 21 LOT NUMBER: 26

Variance: If you want to do something which does not conform to Bradford's Zoning Ordinances you can demonstrate that there are special circumstances of the property that distinguish it from other properties similarly zoned, and may apply for a variance.

Complete the following sections with as much information as possible. Please use ink or complete electronically. Initial and date each page; sign and date the application in the spaces provided. This application will not be considered unless all required statements have been made. The applicant bears the burden of proof for a variance.

THE ZONING BOARD WILL NOT ACCEPT INCOMPLETE OR LATE APPLICATIONS

Additional information may be supplied on separate sheets if the space provided is inadequate. Applications shall be acceptable only when presented to the Clerk of the Board at the beginning of any regularly scheduled meeting. ONE ORIGINAL AND SIX (6) COPIES OF THE COMPLETED APPLICATION SHALL BE PRESENTED TO THE CLERK. If you have any questions and/or require assistance, attend a regularly scheduled Zoning Board of Adjustment meeting for consultation.

Applicant is fully responsible for researching and knowing all laws which may be applicable and affect the outcome of the Board's decision on the application request. It is important that you read and understand Attachment 1 of this application. The applicant, or an authorized agent or attorney, must appear at the Public Hearing for the Board to take action on the application. The application will be terminated or tabled for failure to appear at a scheduled meeting. If an agent or attorney is designated to represent this application, the applicant must submit a signed Letter of Authorization.

Pay close attention when making the Abutter's List. An abutter is any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. **YOU ARE RESPONSIBLE FOR OBTAINING THE CORRECT OWNER AND MAILING INFORMATION FOR THIS LIST FROM THE TOWN TAX OFFICE.** This information is necessary to properly notify all interested parties with certified notices. Failure to provide complete or correct information on abutters will result in the application being returned and may delay the scheduling of your hearing.

Applicant Initial/Date JB/03/04/2020

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Attach a copy of any Administrative Decision, if applicable; for example a denied Building Permit.

APPLICATION FEES

All fees shall be paid before a public hearing can be noticed.

ADMINISTRATIVE & NEWSPAPER NOTICE

Check made out to Town of Bradford/ZBA: **\$80.00**

REQUIRED NOTICES (include Applicant, Abutters, Engineers, Easement Holders, etc.)

Check made out to Postmaster, Bradford, NH: _____ AT \$ _____ EACH SUBTOTAL: \$ _____

TOTAL FEES: \$ _____

ZBA USE ONLY. Comments have been solicited from the Selectmen __, Conservation Commission __, Road Agent __, Police Chief __, Fire Chief __, and Planning Board __ as appropriate.

DATE: _____

Applicant Initial/Date J B / 03/04/2020

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New Hampshire state law requires that a number of Variance Criteria be considered before granting a variance. In order for a variance to be granted, each of these criteria must be carefully and thoroughly considered by the Zoning Board.

A variance is requested from Article ____, Section ____ of the Town of Bradford Zoning Ordinance.

What is proposed? Attach sketches, plot plans, pictures, construction plans, or other relevant documentation that explain the proposed use. Include copies of any prior applications concerning the property.

See Attached

Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. Attach survey plan, plot plan, etc.

See Attached

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The Zoning Board must determine that the variance request satisfies the following 5 criteria. ***Please note that all criteria must be satisfied in order for a variance to be granted.*** Please provide a written response along with any other supporting documentation for each of the following criteria. ***Use a full page for each criteria.*** Attach additional pages if necessary. Failure to satisfactorily prove any single criteria will result in denial of the application.

Please use one page per criteria. Please explain how and/or why:

- 1. The variance will not be contrary to the public interest because;**
For a variance to be contrary to the public interest, the proposal has to conflict with the ordinance so much that it violates the ordinance's basic zoning objectives. For instance:
Will the proposal alter the essential character of the neighborhood?
Will it threaten the public's health, safety or welfare?
- 2. If the variance were granted, the spirit of the Bradford Zoning Ordinance would be observed because;**
It is in the public's interest to uphold the spirit of the ordinance, this criteria is often linked to the first.
Explain how the request will uphold the spirit and goals of the town's zoning laws.
- 3. The proposal would result in substantial justice being done because;**
It must be demonstrated that any loss suffered by the general public would be so minimal that it is outweighed by the gain to the applicant. A test for this would be to demonstrate that the proposal is consistent with current uses in the area.
- 4. If the variance were granted, the value of surrounding properties will not be diminished because;**
Meeting this condition seems fairly obvious, but there are many factors that can influence property values.
It must be demonstrated that the proposal will have no negative impact on the value of neighboring properties.
- 5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship:**
 - a) Explain any special conditions of this property that distinguish it from other properties in the area.
 - b) Explain how this property is different in a meaningful way from other properties in the area.
 - c) Explain how this property is burdened more severely than others by the zoning restrictions.
 - d) Given the special conditions of this property, explain how the proposed use is a reasonable one.

The Applicant has the burden of proof. Applicants should be prepared to present information pertinent to the variance being requested. To obtain a legally granted variance, you must demonstrate/prove that the proposal satisfies **all five** of the variance criteria.

Applicant Initial/Date J B / 03/04/2020

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Certification:

I hereby certify that;

J.B. I have read and understand the instructions for completing the application for a variance.

J.B. I have completed this application as completely and fully as possible.

J.B. I have attached all evidence including sketches that I intend to discuss at the Public Hearing on this application.

J.B. I understand that if this application is incomplete, it will be returned within a reasonable time following its submission and that this may delay the scheduling of the Public Hearing.

J.B. I understand that I must appear in person at the Public Hearing to present and discuss this application. If I cannot appear in person, I will notify the Chair of the ZBA, in writing, designating the individual who will appear for me.

J.B. The ZBA has permission to enter this property in order to conduct scheduled site walks upon reasonable prior notice.

J.B. My application for a variance and supporting information is honest and truthful to the best of my knowledge.

Applicant signature: Jane Bugg Date: 03/04/2020

Excerpt from NH Zoning Law – Variances Section 674:33 Powers of Zoning Board of Adjustment

I. The zoning board of adjustment shall have the power to:

... Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

- (1) The variance will not be contrary to the public interest;*
- (2) The spirit of the ordinance is observed;*
- (3) Substantial justice is done;*
- (4) The values of surrounding properties are not diminished; and*
- (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:

- (i) 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; and*
- (ii) The proposed use is a reasonable one.*

(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.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.



SHORELAND PERMIT BY NOTIFICATION (PBN)

Water Division/ Shoreland Program
Land Resources Management

Check the status of your PBN: <https://www.des.nh.gov/onestop/>



RSA/Rule: [RSA 483-B](#), [Env-Wq 1400](#)

	<input checked="" type="checkbox"/> PBN Accepted, Expires: <u>9/10/2024</u>	Reviewer Initials: <u>RSA</u>
	<input type="checkbox"/> PBN Rejected	Admin Initials: <u>DB</u>
	File Number: <u>2019-02852</u>	Amount: <u>\$190.00</u>
	Check No. <u>267</u>	

This form requests authorization to excavate, fill, or construct new structures within the protected shoreland, which is 250 feet landward of the reference line, as regulated under RSA 483-B. Refer to the cover sheet to determine your eligibility to use this form in lieu of the standard Shoreland Permit Application. Please type or print clearly. **Please note:** Notification packages missing required components will be rejected and the fee will not be returned.

1. PROPERTY OWNER			
LAST NAME, FIRST NAME, M.I.: <u>Bugg, Jason</u>			
ADDRESS: <u>34 Columbia Ave</u>	TOWN/ CITY: <u>Lynn</u>	STATE: <u>MA</u>	ZIP CODE: <u>01902</u>
PHONE: <u>617-501-7931</u>	EMAIL: <u>JasonBugg@Me.com</u>		
2. PROJECT LOCATION			
ADDRESS: <u>2780 Route 114</u>	TOWN/ CITY: <u>Bradford</u>	STATE: <u>NH</u>	ZIP CODE: <u>03221</u>
WATERBODY NAME: <u>Lake Massasecum</u>	TAX MAP: <u>000021</u>	LOT NUMBER: <u>000026</u>	
3. CONTRACTOR OR AGENT			
LAST NAME, FIRST NAME, M.I.: <u>Morris, Dick, J</u>			
ADDRESS: <u>337 East Washington Rd, P.O. Box 261</u>	TOWN/ CITY: <u>Bradford</u>	STATE: <u>NH</u>	ZIP CODE: <u>03221</u>
PHONE: <u>603-938-2615</u>	EMAIL: <u>morcon48@hotmail.com</u>		
4. PROJECT DESCRIPTION			
Provide a brief description of the proposed project including square footage of impacts and dimensions of new structures. The project will add a 25x36 garage with a living space above as an addition to the existing building.			
TOTAL SQUARE FEET OF IMPACT: <u>900</u> TOTAL SQUARE FEET OF NEW IMPERVIOUS AREA: <u>900</u>			
Total impact area is determined by the sum of all areas disturbed by excavation, filling, and construction. Examples include, but are not limited to: constructing new driveways, constructing new structures, removing or replacing structure foundations, grading, and installing a new septic system or well.			

5. PBN CRITERIA: Check one of the following project type criteria. (RSA 483-B:5-b)

lrm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

<input checked="" type="checkbox"/> 1. STANDARD PBN Project	This project impacts less than 1,500 square feet of which no more than 900 square feet is a net increase in impervious area.
<input type="checkbox"/> 2.	This project is directly related to stormwater management improvements, erosion control, or environmental restoration or enhancement. PBN Impact Limit: None / Fee: \$100.
<input type="checkbox"/> 3.	This project is for the maintenance, repair or improvement of public utilities, public roads, or public access facilities. PBN Impact Limit: None / Fee: Fee Exempt.
<input type="checkbox"/> 4.	Per Env-Wq 1406.05, this project consists of geotechnical borings, test wells, drinking water wells or is a site remediation project. PBN Impact Limit: None / Fee: Capped at \$250.

6. FEE	
The PBN fee is the standard permit application fee of \$100 plus \$0.10 per square foot of the total impact area in Section 4. For example, 500 square feet of impact equals a fee of \$150. Projects solely funded by municipal, county, state, or federal entities are fee exempt, and the special project types in Section 5 have alternate fee schedules as listed above.	
Checks and money orders payable to "Treasurer - State of NH".	TOTAL FEE: \$ <u>190</u>

7. PHOTOS	
Required for all projects.	Dated photographs of <u>each</u> area proposed to be impacted.

8. PLAN REQUIREMENTS: Check Yes or No to all statements, and review the applicable plan requirements. If your plans do not include the information that is required, your notification will be rejected.	
Required for all projects.	A clear and detailed plan of work depicting, at a minimum, all the impact areas, the reference line and property lines. Plans that are not to scale must show all relevant distances from the reference line and dimensions.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	This project proposes an increase in impervious (i.e. non-permeable) area. Plans must include the dimensions and locations of all existing and proposed impervious surfaces within 250 feet of the reference line . Decks are typically considered impervious.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	< 20% This project proposes an increase in impervious area , and the total post-construction impervious area within 250 feet of the reference line will not exceed 20%.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	20 – 30% This project proposes an increase in impervious area such that the total impervious area within 250 feet of the reference line will be greater than 20% but less than 30%. Plans must include a stormwater management system that will infiltrate increased stormwater runoff from development per RSA 483-B:9, V(g)(2) and in accordance with Env-Wq 1500 .
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	> 30% This project proposes an increase in impervious area such that the total impervious area within 250 feet of the reference line will be greater than 30%. Plans must include a stormwater management system designed and certified by a professional engineer to account for all new development, <u>and</u> plans must demonstrate how the vegetation point score is met per RSA 483-B:9, V(g)(1,3).
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project proposes impacts within 50 feet of the reference line. Plans and photos must show each area of the Waterfront Buffer that will be impacted, including groundcover, and calculate the tree point scores in accordance with the Vegetation Management Fact Sheet .



<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	This project proposes impacts between 50 and 150 feet of the reference line . Plans must depict the 25% area of the Woodland Buffer to be designated and maintained as natural woodland. See the Vegetation Management Fact Sheet .
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project proposes to install or expand an accessory structure , such as a patio or shed, within 50 feet of the reference line . All plans <i>must</i> demonstrate that the height, size, and setback limitations for accessory structures will be met. These limitations are described within the Accessory Structure Fact Sheet . The shoreland frontage on this lot is: _____ linear feet. <input type="checkbox"/> N/A – There is no direct frontage on this lot.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project proposes a pervious (i.e. permeable) surface technology. Plans must include the location and type of the surface and a cross-section depicting the construction method, materials and specifications as to how this surface will be maintained as a pervious technology.

9. CONDITIONS: Initial each of the required conditions below. (Env-Wq 1406.20)

- B 1. Erosion and siltation control measures shall: be installed prior to the start of work; be maintained throughout the project; and remain in place until all disturbed surfaces are stabilized.
- B 2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- B 3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- B 4. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- B 5. For any project where mechanized equipment will be used, orange construction fence shall: be installed prior to the start of work at the limits of the temporary impact area as shown on the plans approved as part of a permit or accepted as part of the permit by notification; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.

10. CERTIFICATIONS: Initial each of the required certifications below. (Env-Wq 1406.18)

- B 1. The property owner shall sign the notification form below.
- B 2. The signature(s) shall constitute certification that: the information provided is true, complete, and not misleading to the knowledge and belief of the signer; the signer understands that any permit by notification obtained based on false, incomplete, or misleading information is not valid; the project as proposed complies with the [minimum standards](#) established in RSA 483-B:9, V and will be constructed in strict accordance with the proposal; the signer accepts the responsibility for understanding and maintaining compliance with RSA 483-B and these rules; the signer understands that an accepted shoreland permit by notification shall not exempt the work proposed from other state, local, or federal approvals; and the signer understands that incomplete notifications shall be rejected and the notification fee shall not be returned. The signer is subject to the applicable penalties in RSA 641, *Falsification In Official Matters*.

11. SIGNATURE OF OWNER

OWNER SIGNATURE:		PRINT NAME LEGIBLY: Jason Bugg	DATE: 09-05-2019
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Mail your complete application form and supporting materials to: NHDES Shoreland Program, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

irm@des.nh.gov or (603) 271-2147
 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov

TOWN OF BRADFORD, NH BUILDING PERMIT APPLICATION

134 East Main St., PO Box 436
Bradford, NH 03221
603-938-5900

Date Submitted: 09/20/2019
Received By: _____
Permit Fee \$355.00 Check #: _____
Permit #: _____

Property Owner(s): Jason Bugg

Property Address: 2780 Route 114, Bradford, NH 03221 Map: 21 Lot: 26 Sub: 00

Mailing Address: 34 Columbia Ave, Lynn MA 01902
Address State ZIP

Primary Phone #: 617-501-7931 Secondary Phone #: _____

Application Submitted By: Owner Other: _____

Application Purpose *:

New Building Addition Alteration Repair/Replacement Demolition Foundation

If not included in above: Electrical Plumbing Heating A/C

Description of Project:

The project will add a 25x36 garage with a living space above as an addition to the existing building.

Total Cost of Project: \$ 55,000

*no additional fee is required if electrical and/or plumbing is included in primary use for application

I HEREBY CERTIFY THAT THE PROPOSED WORK AND MATERIALS SHALL COMPLY WITH THE LAWS OF THE STATE OF NH BUILDING CODE AND THE ORDINANCES OF THE TOWN OF BRADFORD.

I ALSO HEREBY GRANT THE BUILDING INSPECTOR PERMISSION TO ACCESS THE PROPERTY TO PERFORM THE NECESSARY INSPECTIONS OF THE PROJECT.

09/20/2019
Date

Jason Bugg
Signature of Owner/Agent/Contractor

Jason Bugg
Printed Name of Owner/Agent/Contractor

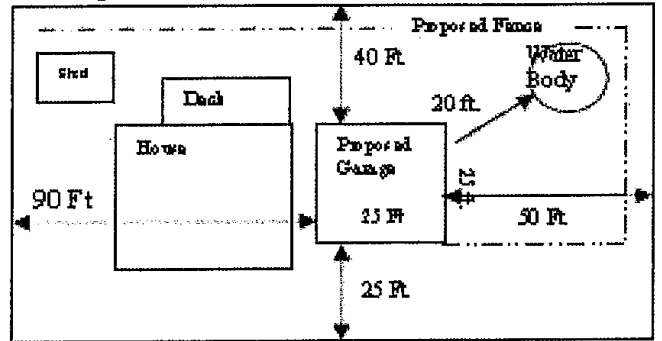
Property Sketch:

Please submit a sketch/architectural drawing of your project locating the distance from boundaries and setback from road. Well and septic should be noted where applicable and location to wetland and/or shoreland.

1. Show the property lines and roads
2. Show the proposed structure and existing structures
3. Show the measurements from the proposed structure to all lot lines, wetlands and/or shorelands.
4. Measure straight through existing structures if needed.
5. Include the dimensions of the proposed structure.



Sample:



Additional Items as Necessary:

New Construction Type of Frame: Wood Masonry Structural Steel Concrete Other –

Heating Fuel(s): Gas Oil Electric Wood Central A/C: Yes No

Elevator: Yes No Solar: Yes No

Driveway Permit Required: No Yes – additional information available at Selectmen’s Office

Easements on Property: No Yes – attach documents to this application Current Use: No Yes

Note: Any items not in compliance with the Bradford Zoning Ordinance will require a Variance of Special Exception issued by the Bradford Zoning Board of Adjustment (ZBA) before a building permit can be issued.

Building Inspector Review:

This application has been reviewed and is: Approved Denied

Reason for Denial:

The approved permit is valid for one-year (12 months) from date of issue. A \$25.00 renewal fee will be required if project is not completed within the one-year timeframe.

Building Inspector

Date of Issue

Jason Bugg

1. The variance will not be contrary to the public interest because;

For a variance to be contrary to the public interest, the proposal has to conflict with the ordinance so much that it violates the ordinance's basic zoning objectives. For instance: Will the proposal alter the essential character of the neighborhood? Will it threaten the public's health, safety or welfare?

The proposed addition will not change the character of the area, and it will not threaten the public's health, safety or welfare. The addition will keep the same character as the existing structure; it will use the same wood siding and red paint. The addition will also be a wood frame structure, similar to the existing structure.

The property will not for example be a commercial storefront selling product that could be construed as dangerous to the public, or present a health concern such as tobacco or alcohol. It will simply be a residential home with a garage add-on with living space above.

The variance is only needed because the existing structure does not meet the full set back requirements from the main road, and is not due to the design, the structure, or the proposed use of the build out.

2. If the variance were granted, the spirit of the Bradford Zoning Ordinance would be observed because;

It is in the public's interest to uphold the spirit of the ordinance, this criteria is often linked to the first. Explain how the request will uphold the spirit and goals of the town's zoning laws.

The proposed addition will not conflict with the spirit and goals of the towns zoning laws as it is only adding additional square footage to an existing structure and not creating a new structure or moving the property or building a structure any closer to the street than it is already.

The spirit of the zoning ordinance seems to focus around keeping the character of an area, making sure the area is safe and without the creation of a hazard, and/or affect the values of neighboring properties in a negative way. In consideration of these central objectives related to the spirit of the ordinance, it does not appear as though this garage add-on would cause any issues.

Jason Bugg

3. The proposal would result in substantial justice being done because;

It must be demonstrated that any loss suffered by the general public would be so minimal that it is outweighed by the gain to the applicant. A test for this would be to demonstrate that the proposal is consistent with current uses in the area.

The proposed addition will be consistent with other structures in the area and the current use of the property will not be impacted. The garage add-on will allow not only vehicles to be parked inside during the winter months, but will allow items such as kayaks, canoes, paddleboards, and temporary docks to be stored inside during the winter, giving a cleaner appearance for the area, and will allow me to keep those items in better condition over the years.

There would be no loss suffered by the general public and there would be a gain, by me the applicant, given the above items. Because of this, there would be substantial justice done, as the gains would far outweigh the losses.

4. If the variance were granted, the value of surrounding properties will not be diminished because;

Meeting this condition seems fairly obvious, but there are many factors that can influence property values. It must be demonstrated that the proposal will have no negative impact on the value of neighboring properties.

The proposed addition will improve the appearance and value of the existing structure, thereby increasing the value of the properties nearby. The property would maintain the current appearance and stay within the character of the area. As mentioned before, it would also keep the area looking clean as all paddleboards, boats, and docking would be kept inside of the garage.

Hopefully the attached renderings of the property will also help to demonstrate the improvements to not only the property itself, but to the overall area.

Jason Bugg

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship:

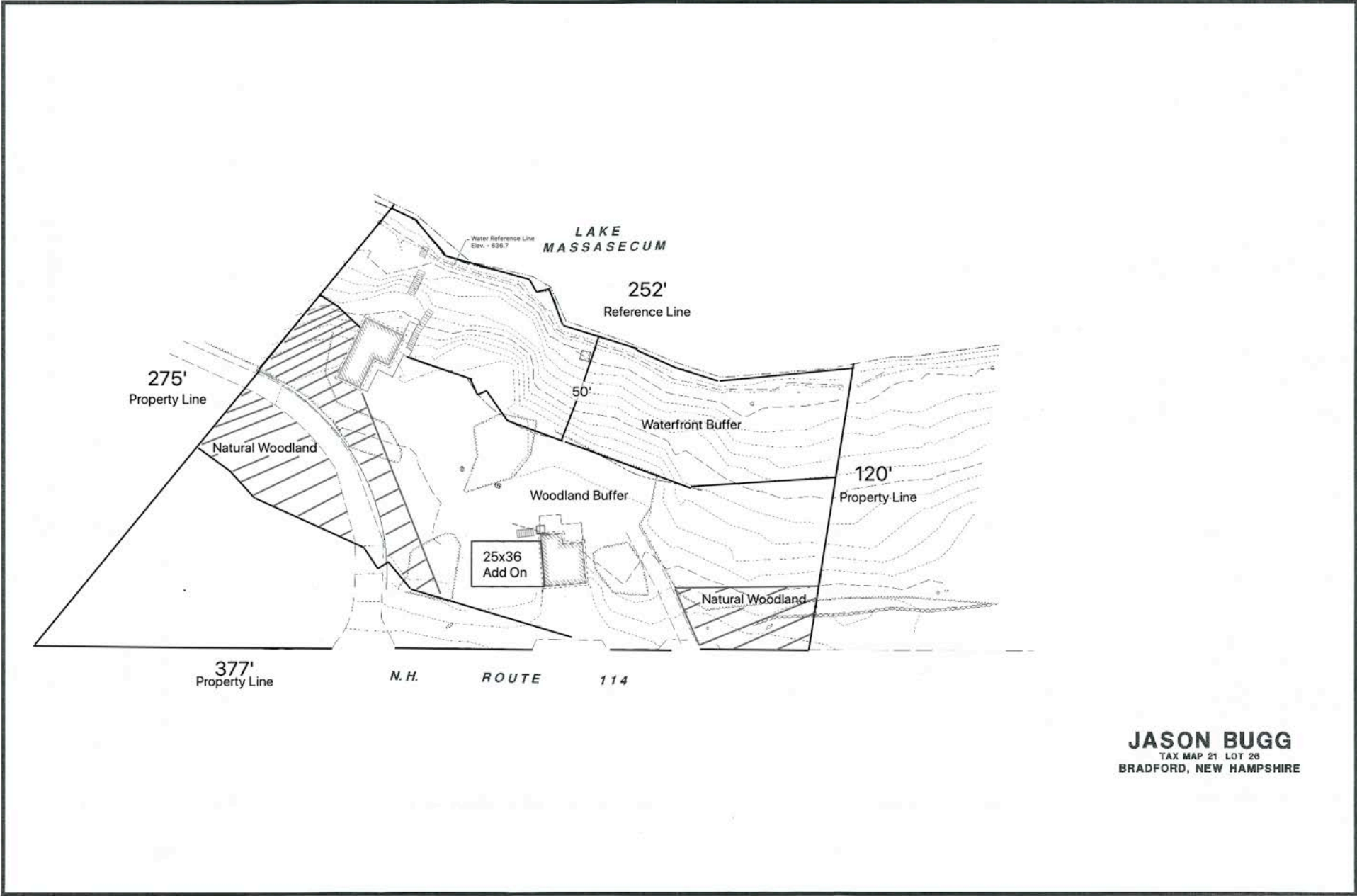
- a) Explain any special conditions of this property that distinguish it from other properties in the area.*
- b) Explain how this property is different in a meaningful way from other properties in the area.*
- c) Explain how this property is burdened more severely than others by the zoning restrictions.*
- d) Given the special conditions of this property, explain how the proposed use is a reasonable one.*

(a) This property sits between the public road and the lake, which gives a very small envelope for building; if it were moved closer to the lake it would be in violation the New Hampshire Department of Environmental Services (DES) regulations.

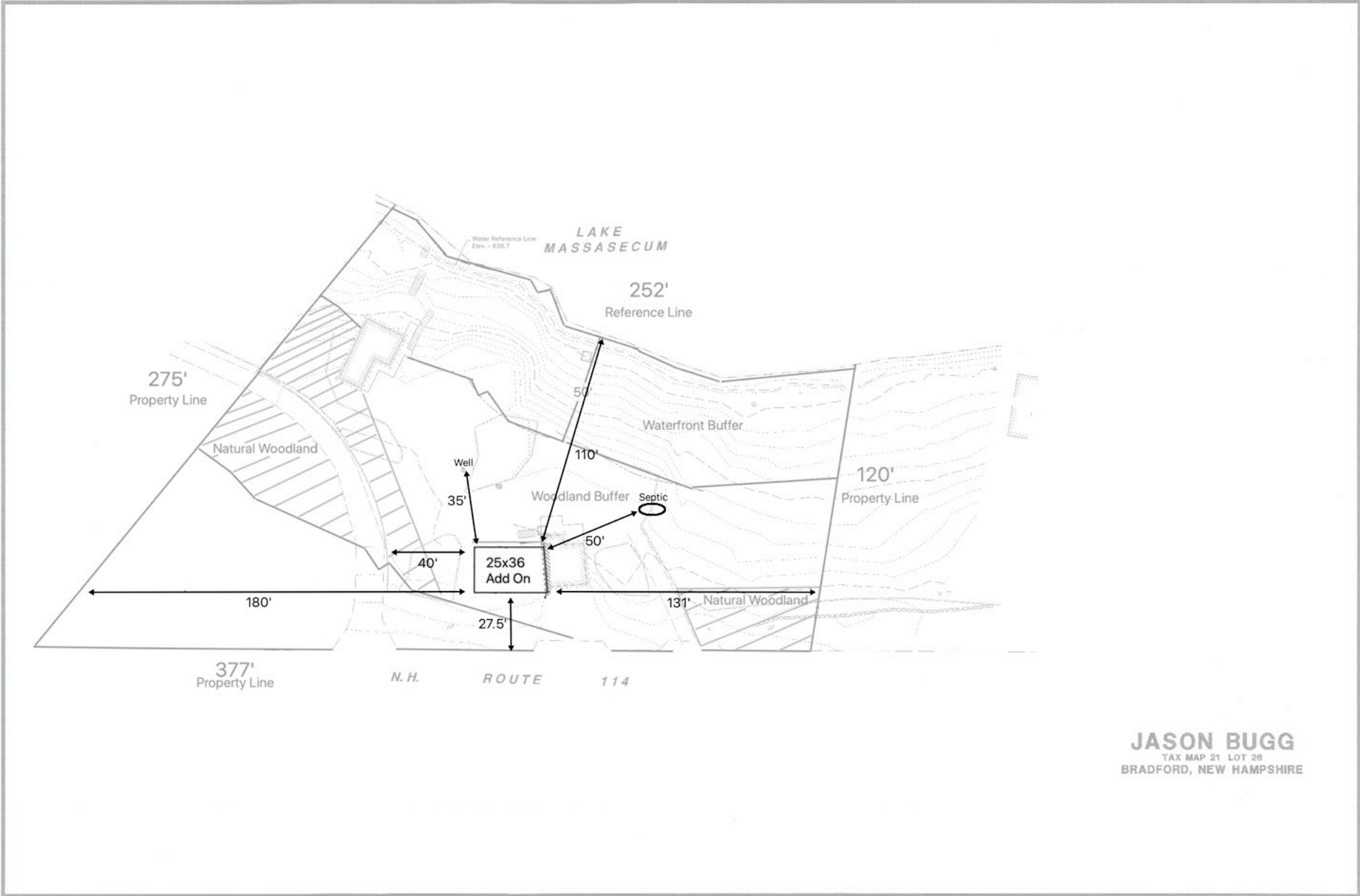
(b) The existing structure was built closer to the roadway than other nearby properties. Although the properties nearby are closer to the lake than which is currently allowed (grandfathered), DES allows them to build onto their properties as long as it does not bring them closer to the lake than they already are.

(c) Because of the smaller building envelope and closer placement to the roadway than other nearby properties, the options to add space for a garage are very limited and costly. As mentioned above, DES will allow those currently close to the lake to build on as long as they're not building closer to the lake, however given my proximity to the road, current zoning does not allow me to build on, even though I will not be building closer to the road.

(d) The proposed addition would not move the structure any closer to the roadway than it is already, keep with the character of the neighborhood, help improve surrounding property values, allow cars and items such as temporary docks, kayaks, etc. to be stored indoors in the winter, and will provide additional living space above. This will also result in substantial gain, and no anticipated loss.



JASON BUGG
TAX MAP 21 LOT 28
BRADFORD, NEW HAMPSHIRE



JASON BUGG
TAX MAP 21 LOT 28
BRADFORD, NEW HAMPSHIRE











