



## ***Town of New London***

### ***Zoning Board of Adjustment***

*P.O. Box 240  
375 Main Street  
New London, NH 03257*

# ***NOTICE OF DECISION***

## ***New London Zoning Board of Adjustment***

**RE: MARJORIE & MORRIS FORBES**

**JULY 25, 2005**

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing for Marjorie and Morris Forbes' request for a variance to the terms of Article V, §A-1 of the New London Zoning Ordinance, allowing continued use of two dwellings on their property at 37 Boulder Point, Tax Map 115-003-000.

After receiving input from the applicant's representative, one abutter, and the New London Zoning Administrator, the Zoning Board of Adjustment made the following Findings of Fact:

1. Granting this variance will not result in a diminution in value of surrounding properties. Testimony from the abutter confirmed that the situation has existed for many years, and continuing it would not be objectionable.
2. The variance will be of benefit to the public interest, given the potential for future challenges should its status not be definitively resolved. The alternatives would be to allow the question of legality of this nonconforming use to remain vulnerable to challenges in the future, or to tear one building down.
3. For the same reasons, denial of the variance would result in unnecessary hardship to the owners.
4. Substantial justice will be done in granting the variance, in that the second or newer dwelling has existed since 1967, the subdividing line was drawn in 1974 after construction of the second dwelling, and owners have always paid property taxes on both buildings.
5. The variance will not be contrary to the spirit of the ordinance. The Zoning Board of Adjustment will not set precedent by granting the variance. Rather, the Board is obliged to consider each case on its own merits.

The Board unanimously approved granting this variance with Russ Cooper, Laurie DiClerico, Bill Green and Betty Herrick voting.

Lawrence Ballin, Chairman  
Russell Cooper  
Bill Green  
Betty Herrick  
Laurie DiClerico

NOTE: Application for rehearing on any question of the above determination may be taken within 30 days of said determination by any party to the action or person affected thereby according to New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76.

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