



***Town of New London***  
***Zoning Board of Adjustment***

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

# ***NOTICE OF DECISION***

RE: JOHN AND JOAN HUGHES

September 19, 2005

You are hereby notified that a Public Hearing was held on this date. Susan Hankin-Birke, Esq. representing John and Joan Hughes requested a Variance as provided by Article XVI, Section C.2 and Article XXV, Section A.3,a of the New London Zoning Regulations to allow for the construction of a deck (after the fact) and a fence (after the fact) within the 50' setback from the shore of Messer Pond. The deck was constructed in the spring of 2004 without an approved building permit. The applicant was also seeking a Variance to the terms of Article XXV, Section A.3,a which requires a building permit prior to the construction of any structure on property located at 63 White Pine Lane, in the R-2 zone, Tax Map 105-008-000.

The Zoning Board heard testimony from the applicants and their representative and reviewed photographs of the fence and wooden platform in question. The Zoning Board did not think that they should hear a variance of an enforcement provision and the applicants withdrew the request for a Variance to the terms of Article XXV, Section A.3.a. The Zoning Board determined that pursuant to RSA 674:33 V, the Hughes did not have to meet the hardship requirement, and granted the Variance to Article XVI, Section C.2, as follows:

- (a) The Hughes may keep the fence as is until replacement or repair is required. At that point the fence must be moved to comply with the regulations in place at the time of repair or replacement.
- (b) The Hughes may have a 160 sq. ft. platform no closer to the lake than the present platform, which must be removed entirely at the time of sale of property or upon good faith of the homeowner when the handicapped use is no longer required by the family.

Members voting in the affirmative Russ Cooper, Cheryl Devoe, and Caroline Newkirk. Member voting against Laurie DiClerico. Therefore, the Variance was granted (3-1).

Lawrence Ballin, Chairman  
Cheryl Devoe  
Russell Cooper  
Caroline Newkirk  
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.