



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

121-005  
P.O. Box 240  
375 Main Street  
New London, NH 03257

# **NOTICE OF DECISION**

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

**RE: Robert & Laurie Durkin**

**March 19, 2007**

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of Robert & Laurie Durkin. Applicants requested a variance to the terms of Article II, Section 5 of the New London Zoning Ordinance in order to construct a cupola that exceeds the height limitation of 35'. The property is located on Old Main Street in the ARR zone, Tax Map 121-005.

During the hearing, the Board received testimony from the applicant, and the Town Zoning Administrator, and read into the record a letter from one abutter supporting the granting of the requested variance. No abutters or other members of the public attended the hearing.

The applicant reviewed the five criteria required to be found before the Board may grant a variance, and the opinion of the Board on whether or not all five had been met differed to varying degrees.

There was consensus among Board members that this property is unique in its location within a 40-acre conservation easement. So located, the design and construction of the cupola will have no impact on, nor will it be visible to any neighbor or from the public road. It will not diminish the values of surrounding properties. Nor will it be contrary to the public interest. Testimony was received from the fire chief to the effect that the cupola would not impair fire fighting ability, or safety on the site.

Applicant presented the argument that denial of the variance would constitute a hardship as it would interfere with owners' right to use their property as they see fit, in an architecturally and contextually fitting manner. The Board was divided in its opinion of whether or not that satisfies the hardship requirement, as a cupola is not a necessary part of the structure.

The variance was GRANTED in a vote of two to one, with Russ Cooper and Randy Foose voting yes, Bill Green voting no, and Brian Prescott abstaining. Chair Larry Ballin did not vote.

Lawrence Ballin, Chairman  
Russell Cooper  
Brian Prescott  
Randy Foose  
Bill Green

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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