

**Moultonborough Zoning Board of Adjustment
P.O. Box 548
Moultonborough, NH 03254**

(603) 476-2347

Minutes

November 19, 2008
Regular Meeting - 7:30 PM
Moultonborough Town Offices

Present: Members: Ralph Carrasco, Bob Stephens Jerry Hopkins, Bob Bernstein
Alternates: Nicol Roseberry
Excused: Members: Russell Nolin

I. Call to Order

Mr. Carrasco called the meeting to order at 7:30 PM, and introduced the members of the board to the public. Mr. Carrasco appointed Nicol Roseberry to sit on the board with full voting privileges in place of Russell Nolin.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Stephens moved to approve the Zoning Board of Adjustment Minutes of October 1, 2008, and to reaffirm the Chairman's action as a committee of one on November 5, 2008.
Mr. Hopkins Seconded.
Motion Carried - Unanimously.

IV. New Applications

None submitted.

V. Hearings

**1. Clubhouse Motorsports, LLC (23-37)(1180/1190 Whittier Highway)
Special Exception for Commercial Use – Article VI Paragraph D & E**

Mr. Carrasco noted that this was an application for a special exception from Article VI, Paragraph D & E to allow for storage, service and repair of motorcycles, snowmobiles, and all terrain vehicles, as well as accessories for these vehicles.

Eric Colbath presented the application for special exception. Mr. Colbath noted the owner of the property is Moultonboro Business Center and that he is a tenant in the building. The property is located off Route 25, with the majority of it located in Commercial Zone B. The proposed use is for the storage, service

and repair of motorcycles, snowmobiles, all terrain vehicles and accessories for these vehicles. Mr. Colbath stated that he would be leasing the end unit which is 1,200 square feet. His specialty is the repair of motorcycles, but is seeking approval for the repair of snowmobiles and ATV's.

It was noted for the record that there is an existing site plan on file that was approved in 1994 with an amendment approved in 1999. The plan will need to be updated to reflect an "As-Built" of the site. There are no significant changes to the site. If the special exception is approved the applicant will be required to make application to the planning board. Ms. Whitney has spoken with Mrs. Steinsky who has indicated that if required they will submit that application to the planning board.

Mr. Stephens questioned the hours of operation. Mr. Colbath stated that he would be open 9am – 6 pm. The board noted their concerns regarding noise from the motorcycles. Abutter Mark Johnson was present and noted his concerns regarding noise. Mr. Colbath stated that the majority of his testing for the motorcycles is done at a low RPM and if needed they can be road tested. He also indicated that he works on racing motorcycles that are not street legal. If the motorcycles need to be tested they would not be ridden up and down the driveway or parking lot, but would be taken to the track at NHMS.

The board questioned if there would be sales of motorcycles. Mr. Colbath stated that there is not enough room at the site, if he wished to sell motorcycles he would need to find another location.

The Chairman went over the criteria for the granting of a special exception. The voting members were Jerry, Bob S., Nicol, Bob B. and Ralph.

- 1) Affirmative – Unanimously.
- 2) Affirmative – Unanimously.
- 3) Affirmative – Unanimously.
- 4) Affirmative – Unanimously.
- 5) Affirmative – Unanimously.
- 6) Affirmative – Unanimously.
- 7) Affirmative – Unanimously.

Motion: Mr. Stephens moved to grant the special exception for **Clubhouse Motorsports, LLC (23-37)**.
Mr. Carrasco Seconded.

**2. Stephen H. & Andrea H. Perry, Trustees; Perry QPRT Realty Trust (186-17)(5 Ridge Road)
Special Exception for Expansion of Non-Conforming Structure**

Mr. Carrasco noted that this is a request for a special exception for the expansion of a non-conforming primary structure.

Jim Hambrook, agent for the applicant presented the application for the expansion of a non-conforming primary structure. Mr. Hambrook briefly described the proposed expansion. It was noted that both dwelling and the garage were non-conforming and that none of the non-conforming square footage was calculated in the figures on the application. The proposal is to construct a 10.65' x 12.1' breezeway between the house and the garage. It was noted the present intrusion into the road setback was 691 square feet and the proposed new intrusion is 129 square feet, 18.6%. Mr. Hambrook answered any questions from the board.

The Chairman went over the criteria for the granting of a special exception. The voting members were Jerry, Bob S., Nicol, Bob B. and Ralph.

- a) Affirmative – Unanimously.
- b) Affirmative – Unanimously.
- c) Affirmative – Unanimously.
- d) Affirmative – Unanimously.
- e) Affirmative – Unanimously.
- f) N/A
- g) Affirmative – Unanimously.
- h) Affirmative – Unanimously.
- 4) Affirmative – Unanimously.

Motion: Mr. Stephens moved to approve the special exception for **Stephen H. & Andrea H. Perry, Trustees; Perry QPRT Realty Trust (186-17)** for the expansion of a non-conforming primary structure.
Mrs. Roseberry Seconded.
Motion Carried – Unanimously.

Mr. Hopkins commented that the board had just approved an expansion for a non-conforming structure for a breezeway which will connect the dwelling with the garage. At that time the dwelling had 691 square feet of non-conformity. There is a second structure (the garage) which has now been added to the dwelling. Mr. Hopkins questioned in the future, if this property were to come before the ZBA for an expansion would they be able to expand the non-conformity of the garage as it now considered one structure. The board discussed this and it was their opinion that there would be NO expansion rights to the garage, nor would they be able to use the non-conforming square footage of the garage as the two were independent structures which were connected as a result of a special exception.

VI. Correspondence

- 1) Planning Board Draft Minutes of October 8, 2008 were noted.
- 2) Planning Board Draft Minutes of October 22, 2008 were noted.
- 3) Planning Board Draft Work Session Minutes of October 29, 2008 were noted.
- 4) Planning Board Draft Minutes of November 12, 2008 were noted.
- 5) Selectmen’s Draft Minutes of October 2,9,16, and November 6 & 13, 2008 were noted.

Motion: Mr. Stephens moved to cancel the meeting of December 3, 2008, and to authorize the Chairman to act as a committee of one if needed, for the acceptance of applications and the scheduling of hearings.
Mrs. Roseberry Seconded.
Motion Carried – Unanimously.

6) Mr. Carrasco noted that he had attended a presentation on Monday evening hosted by the Lakes Region Planning Commission. The topic of discussion was relating to small wind energy systems. Mr. Carrasco noted that the small wind energy committee will be a meeting on Monday, November 24, 2008 at 4 PM at the library. The committee is working on draft language for a proposed amendment to the Zoning Ordinance.

VII. Unfinished Business

VIII. Adjournment

Motion: Mr. Stephens moved to **Adjourn** at 8:02 P.M.
Mr. Bernstein Seconded.

Motion Carried - Unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Land Use Coordinator

These Minutes have not been formally approved by the Moultonborough Zoning Board of Adjustment. Please contact the secretary after the next regularly scheduled meeting of the Moultonborough Zoning Board of Adjustment to be held on the 1st and 3rd Wednesday of each month, to learn if any corrections, additions or deletions were made.