

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

(603) 476-2347

Minutes

March 4, 2009
Regular Meeting - 7:30 PM
Moultonborough Town Offices

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

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.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Hopkins moved to approve the Zoning Board of Adjustment Minutes of February 4, 2009.
Mr. Stephens Seconded.
Motion Carried - Unanimously.

Motion: Mr. Stephens moved to reaffirm the Chairman's action as a committee of one on February 18, 2009.
Mr. Hopkins Seconded.
Motion Carried - Unanimously

Mr. Stephens noted that Mr. Carrasco's term was expiring next week and that he was not running for re-election. Mr. Stephens thanked Mr. Carrasco and expressed his appreciation for the nine years that he has served on the board, with the last two as chairman.

IV. New Applications

None submitted.

V. Hearings

1. **Mardee Jo Boone (292-3)(32 Steamboat Landing Road)**
Area Variance from Article III Paragraph B(3)

Mr. Carrasco noted that this was an application for an area variance.

Mardee & Richard Boone and Paul Fournier (builder) were present in the audience for this hearing. Mr. Fournier briefly explained the proposed project. Mr. Fournier stated that this was a waterfront property with an existing dwelling. The request for a variance is for the construction of an 11' x 18' addition to the dwelling. Mr. Boone had applied for a building permit last year for the addition. Mr. Boone thought the addition would meet the required setbacks and once the snow was gone, and the property pins were located they realized that the addition would encroach about one (1) foot. Mr. Fournier noted that a small portion of the existing dwelling does not meet the setbacks.

Mr. Hopkins questioned if the proposed non-conforming square footage was the same area as the existing non-conformity, therefore would they need to apply for an expansion of a non-conforming structure. It was noted that the existing non-conforming square footage is less, and that the expansion cannot encroach any further into the setback than what it is already. This proposal is larger and encroaches further into the setback which requires the area variance.

Mr. Fournier stated that Mr. Boone sent a certified letter to the abutters notifying them of his proposal. They indicated that they had received a certified letter back from Paul Lelievre stating that he had no objections to the proposal. Mr. Carrasco asked if we had a copy of the letter. Mr. Boone stated that he did not have it with him. The board requested a copy of the letter for the file.

Mr. Stephens questioned if Mr. Boone had approval from the State of NH DES. Mr. Boone stated that he had obtained a building permit for the project prior to April 1, 2008 and that they meet the required 20% lot coverage. Mr. Stephens noted that if the ZBA were to grant the variance that it would not preclude the applicant from obtaining a state waiver if necessary. Mr. Boone stated that he was aware of the DES change that was originally to become effective April 1, 2008 and has a building permit that was issued prior to that and that they had the pylons in the ground prior to the required date.

Mr. Carrasco asked at this time if there were any further questions from the board or public. There were none.

The Chairman went over the criteria for the granting of an area variance. The voting members were Jerry, Russ, Bob S., Bob B. and Ralph.

- 1) Affirmative – Unanimously.
- 2) Affirmative – Unanimously.
- 3a) Affirmative – Unanimously.
- 3b) Affirmative – Unanimously.
- 4) Affirmative – Unanimously.
- 5) Affirmative – Unanimously.

Motion: Mr. Stephens moved to approve the area variance for **Mardee Jo Boone (292-3)** for an 11' x 18' addition that will encroach one (1) foot into the required setback. Mr. Hopkins Seconded.
Motion Carried – Unanimously.

VI. Correspondence

- 1) Superior Court Decision noted regarding Richard Murphy, et al v Town of Moultonborough.

- 2) Registration information regarding the Annual Spring NH OEP Planning & Zoning Conference noted.
- 3) Joint Loss Management Committee Minutes of January 20, 2009
- 4) Planning Board Public Hearing Minutes of February 2, 2009
- 5) Planning Board Minutes of February 25, 2009
- 6) Board of Selectmen Minutes of February 5, 12 & 19, 2009.
- 7) Mr. Carrasco noted a LRPC Commissioner Survey sheet that was sent from the LRPC requesting input from the board. Mr. Carrasco asked the board to complete the survey and return it to the LRPC.

VII. Unfinished Business

Mr. Carrasco took a moment to thank the board for their support during his time a chairman on the board. He noted that it had been a pleasure working with each individual and while it had been challenging at times it was something that he enjoyed, but that it was time to move on.

It was noted that there were not any new submissions submitted this evening. Ms. Whitney questioned if the board was going to hold their organizational meeting on March 18th. Mr. Hopkins noted that the elections are on March 10th and then there is a recount period. Therefore the board cannot hold their organizational meeting until that time has passed. It was the decision of the board to cancel the March 18th meeting, noting they will conduct their organizational meeting on April 1, 2009.

Motion: Mr. Hopkins moved to cancel the March 18, 2009 meeting of the ZBA, and to authorize the Vice Chairman to accept any new applications as a committee of one for the scheduling of hearings for April 1, 2009.

Mr. Carrasco Seconded.

Motion Carried – Unanimously.

VIII. Adjournment

Motion: Mr. Carrasco moved to **Adjourn** at 7:48 P.M.

Mr. Stephens 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.