

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

(603) 476-2347

Minutes

July 1, 2009

Regular Meeting - 7:30 PM
Moultonborough Town Offices

Present: Members: Bob Stephens Jerry Hopkins, Bob Bernstein, Russell Nolin
Excused: Members: Ray Heal
Alternates: Nicol Roseberry

I. Call to Order

Mr. Stephens 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 June 3, 2009.
Mr. Nolin Seconded.

Mr. Nolin noted in the third paragraph on page two the minutes read “Mr. Nolin addressed Ms. Cohen...”, when it should read that Mr. Hopkins addressed Ms. Cohen. This will be changed.

Motion: Mr. Hopkins moved to approve the Zoning Board of Adjustment Minutes of June 3, 2009 as amended.
Mr. Bernstein Seconded.
Motion Carried - Unanimously.

Motion: Mr. Hopkins moved to reaffirm the Chairman’s action as a committee of one on June 17, 2009.
Mr. Bernstein Seconded.
Motion Carried - Unanimously.

Motion: Mr. Hopkins moved to approve the Zoning Board of Adjustment On-Site Minutes of June 27, 2009.
Mr. Nolin Seconded.
Motion Carried – Unanimously with Mr. Stephens & Mr. Bernstein abstaining.

IV. New Applications

Mr. Stephens noted that there were only four members present this evening and applicants are entitled to a full board of five members. Any applicant that would like may request a continuance this evening based on there not being a full board. It was noted if an applicant chooses to proceed with a board of four they may not appeal on the grounds there was not a full board.

V. Hearings

**1. Fred Parks; Pine Ridge Lawn & Landscape, LLC (115-7)(398 Whittier Highway)
Special Exception-Article VI Paragraph C(1)b.xviii**

Mr. Stephens questioned if Mr. Dolan was willing to proceed with a board of four. Mr. Dolan noted that he would continue this evening with a board of four.

Dave Dolan was present this evening to present the application for a special exception. Present in the audience for the hearing were Todd Pulis, owner of the property and Mr. & Mrs. Parks of Pine Ridge Lawn & Landscape. Mr. Dolan gave a brief description of the property, noting that it is located in Commercial Zone “A”. The request is for a special exception to allow the property for Mr. Parks’s landscape business, including an office and outside storage of related landscape materials and vehicles. The lot is 1.8 acres in size. The wetlands were delineated by Peter Schauer and are shown on the plan. Mr. Dolan has depicted the 50’ setback line from the wetlands on the plan. There is a proposed Landscape Berm shown on the plan with evergreen/deciduous and perennial mix to be planted and a proposed wall and landscape area in front of the building. Proposed are a nursery stock storage area, material storage bins and dry storage area shown on the plan. Vehicle parking is shown on the plan along with a proposed sign on a planter base with lighting. There is an existing septic on site that meets the requirements for an office building. Mr. Dolan stated this is not a retail establishment for retail sales. The hours of operation are 7AM – 7 PM; Monday through Saturday and 8AM – 1PM on Sunday. There are six employees. Mr. Parks would like it clarified that Mr. Dolan stated this would not be for retail sales, but if he were on-site and a customer wished to purchase material/mulch on a weekend that he would be able to sell and load this for them. Mr. Dolan answered any questions from the board.

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

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

Motion: Mr. Hopkins moved to approve the special exception for **Fred Parks; Pine Ridge Lawn & Landscape, LLC (115-7)** to allow the property as a facility for Landscape Contractor, including an office and outside storage of related landscape materials and vehicles/equipment.

Mr. Nolin Seconded.

Motion Carried – Unanimously.

**2. Mary E. Allain and David A. Muskopf (200-38)(119 Swallow Point Road)
Continued Area Variance from Article III Paragraph B (3)**

Attorney Doug Hill stated that he has conferred with his clients, and that they are requesting a continuance for a full board of five. Mr. Hill stated they have a conflict for the next meeting date and requested the hearing be continued to August 5th.

Motion: Mr. Hopkins moved to continue the hearing for **Mary E. Allain and David A. Muskopf (200-38)** to August 5, 2009.
Mr. Nolin Seconded.
Motion Carried – Unanimously.

**3. Vladimir Fedus and Lydia F. Dorner (287-22)(43 Pot O’ Beans Road)
Special Exception for Expansion of Non-Conforming Primary Structure**

Mr. Stephens questioned if Mr. Dolan was willing to proceed with a board of four. Mr. Dolan noted that he would continue this evening with a board of four.

Mr. Stephens noted that this was an application for a special exception for the expansion of a non-conforming primary structure.

Dave Dolan, Agent for the applicant presented the application for special exception. Mr. Dolan briefly described the location of the property, noting it is located on Long Island Road, Pot O’ Beans Road. The lot is 8.8 acres in size and has two existing dwelling units on the site, 41 and 43 Pot O’ Beans Road. They have indicated dwelling unit #43 as the primary structure for the purposes of expansion, noting that there are no non-conforming expansion rights to dwelling unit #41. The present intrusion into the lake setback area is 760 square feet and is 24.91 feet from the lake. The proposed intrusion is 105 square feet, 13.82%. Mr. Dolan stated that he did not include the existing stairs in the calculation for present non-conformity. Mr. Dolan stated they have received a CSPA permit from NH DES. Mr. Dolan answered any questions from the board.

Mr. Hopkins questioned if there was a change in height with the proposed addition. Mr. Dolan stated no. The existing dwelling is one story and the addition will be the same. Mr. Dolan showed the board a photo of the dwelling that was included with the application to DES.

Mr. Stephens 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 a special exception. The voting members were Jerry, Russ, Bob B. and Bob S.

- 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. Hopkins moved to approve a special exception for **Vladimir Fedus and Lydia F. Dorner (287-22)** for the expansion of a non-conforming primary structure, noting dwelling unit #43 has been determined as the primary structure by the applicant.
Mr. Bernstein Seconded.
Motion Carried – Unanimously.

VI. Correspondence

- 1) Planning Board Minutes of June 10 & 24, 2009 were noted.
- 2) Board of Selectmen Minutes of June 4, 11 & 18, 2009 were noted.
- 3) It was noted that there were not any new submissions submitted this evening and the board had not continued any hearings to July 15th. It was the decision of the board to cancel the meeting.

Motion: Mr. Nolin moved to cancel the July 15, 2009 meeting of the ZBA, and to authorize the Chairman to accept any new applications as a committee of one for the scheduling of hearings for August 5, 2009.
Mr. Hopkins Seconded.
Motion Carried – Unanimously.

4) Ms. Whitney stated the Planner is starting on July 15th. If ZBA Members wish, they may submit a list of items/ideas they feel important to be addressed by the Planner for year ending 2009. These will be reviewed by the Planner in an effort to prioritize and set goals for the remainder of this year. Please submit your suggestions to the Land Use Office by July 20th.

VII. Unfinished Business

VIII. Adjournment

Motion: Mr. Nolin moved to **Adjourn** at 7:56 P.M.
Mr. Bernstein Seconded.
Motion Carried - Unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Land Use Coordinator