

**Moultonborough Zoning Board of Adjustment**  
**P.O. Box 139**  
**Moultonborough, NH 03254**

**Regular Meeting**

**December 16, 2009**

**Minutes**

Present: Members: Jerry Hopkins, Russell Nolin, Ray Heal, Bob Bernstein;  
Alternate: Nicol Roseberry; Town Planner, Dan Merhalski  
Excused: Members: Bob Stephens

**I. Call to Order**

Mr. Hopkins called the meeting to order at 7:30 PM and appointed Nicol Roseberry to sit on the board with full voting privileges in place of Bob Stephens.

**II. Pledge of Allegiance**

**III. Approval of Minutes**

**Motion:** Mr. Nolin moved to approve the Zoning Board of Adjustment Minutes of November 4, 2009, seconded by Mr. Bernstein, carried unanimously.

**IV. New Applications**

**V. Hearings**

**VI. Correspondence**

1) Mr. Hopkins stated the Board was in receipt of Richard and Susan Mansurs' Request for Rehearing of the ZBA's November 4, 2009 decision to grant an area variance David A. Muskopf and Mary E. Allain. Mr. Hopkins noted it was up to the Board to decide if they will grant or deny the request for rehearing. The Board discussed this request and the following action was taken.

**Motion:** Mr. Bernstein moved to deny the Mansurs' Request for Rehearing of the ZBA's November 4, 2009 decision, seconded by Mr. Heal, failed 2 to 3 (Bernstein, Heal in favor. Nolin, Hopkins, Roseberry opposed)

A discussion on procedures followed this motion with a few Board members requesting clarification of the motion. After this discussion the following motion was made.

**Motion:** Mr. Bernstein moved to deny the Mansurs' Request for Rehearing of the ZBA's November 4, 2009 decision, seconded by Mr. Heal, passed 3 to 2 (Bernstein, Heal, Nolin in favor. Hopkins, Roseberry opposed)

There was no further discussion on the Mansurs' Request for Rehearing.

2) Letter dated December 13, 2009 from Douglas P. Hill, Esq. filing and Objection to the Mansurs' Request for Rehearing dated December 4, 2009 was noted.

- 3) Planning Board Draft Minutes of November 24, 2009 were noted.
- 4) Planning Board Draft Work Session Minutes of November 18 & December 2, 2009 were noted.
- 5) Board of Selectmen Draft Minutes of November 5 & 19, 2009 were noted.
- 6) Mr. Merhalski presented the Board with a draft version of the Zoning Board of Adjustments yearly report, stating it is the Board's reporting of activity for the year ending 2009. Mr. Merhalski asked for any comments or changes to the report, noting the last paragraph is subject to approval by the Chair. Board members reviewed and approved the report as drafted.

**Motion:** Mr. Hopkins moved to approve the draft Zoning Board of Adjustment Report for 2009 as presented, pending approval by Chairman Stephens, seconded by Mr. Nolin, carried unanimously.

- 7) It was noted that there were not any new submissions submitted this evening and the board had not continued any hearings to January 6<sup>th</sup>. It was the decision of the board to cancel the meeting.

**Motion:** Mr. Bernstein moved to cancel the January 6, 2010 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 January 20, 2010. Seconded by Mr. Hopkins, carried unanimously.

## **VII. Unfinished Business**

## **VIII. Adjournment**

**Motion:** Mr. Hopkins adjourned the meeting at 7:44 PM.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant