

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

Regular Meeting

May 5, 2010

Minutes

Present: Members: Bob Stephens, Jerry Hopkins, Ray Heal, Kevin M^cCarthy;
Alternates: Nicol Roseberry, Bob Bernstein; Town Planner, Dan Merhalski;
Excused: Member: Russell Nolin

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. Mr. Stephens appointed Bob Bernstein to sit on the board with full voting privileges in place of Russ Nolin.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Heal moved to approve the Zoning Board of Adjustment Minutes of April 21, 2010, seconded by Mr. M^cCarthy, carried unanimously.

IV. New Applications

**1. Donald & Marilyn Weatherbee (150-17)(48 Black's Landing Road)
Special Exception for Expansion of Non-Conforming Primary Structure**

This is an application for a special exception for the expansion of a non-conforming primary structure located on Tax Map 150 Lot 17.

The Chairman and the Land Use Staff have reviewed the application and it appears complete for board action.

Motion: Mr. Stephens moved to acknowledge the application of **Donald & Marilyn Weatherbee (150-17)** for a special exception and to schedule a hearing for May 19, 2010, seconded by Mr. M^cCarthy, carried unanimously.

**2. Janet W. Stone (142-66)(22 Merrivale Road)
Special Exception for Expansion of Non-Conforming Primary Structure**

This is an application for a special exception for the expansion of a non-conforming primary structure located on Tax Map 142 Lot 66.

The Chairman and the Land Use Staff have reviewed the application and it appears complete for board action.

Motion: Mr. Bernstein moved to acknowledge the application of **Janet W. Stone**

(142-66) for a special exception and to schedule a hearing for May 19, 2010, seconded by Mr. Heal, carried unanimously.

**3. Phil & Janet W. Stone (142-66)(22 Merrivale Road)
Special Exception for Access & Egress Article III B(6)**

This is an application for a special exception for access and egress within setbacks on Tax Map 142 Lot 66.

The Chairman and the Land Use Staff have reviewed the application and it appears complete for board action.

Motion: Mr. Hopkins moved to acknowledge the application of **Phil & Janet W. Stone (142-66)** for a special exception and to schedule a hearing for May 19, 2010, seconded by Mr. M^cCarthy, carried unanimously.

**4. Philip & Marcia Steckler (247-6)(19 Geneva Point Road)
Variance from Article III, Paragraphs B(1)(3)**

This is a request for a variance from Article III, Paragraphs B(1) & (3) of the Zoning Ordinance. The applicant proposes to remove the existing non-conforming detached garage within the road and side setbacks and to construct a new detached garage with portions within the road and side setbacks.

The Chairman and the Land Use Staff have reviewed the application and it appears complete for board action.

Motion: Mr. Hopkins moved to acknowledge the application of **Philip & Marcia Steckler (247-6)** for a variance and to schedule a hearing for May 19, 2010, seconded by Mr. M^cCarthy, carried unanimously.

V. Hearings

**1. Continuation of Public Hearing - Kevin & Katherine Oliver (217-44)
(44 Black Cat Island Road)
Variance from Article III, Paragraphs B (1)(3)(4) [Home & Garage]**

The board reviewed the Draft Notice of Decision prepared by the Town Planner, as directed by the board at the hearing on April 21st. There were no changes made to the draft decision or further discussion regarding the hearing.

Motion: Mr. Heal moved to approve the application of **Kevin & Katherine Oliver (217-44)** for a variance, as detailed in the Draft Notice of Decision, and authorize the Chairman to sign the Notice of Decision, seconded by Mr. Hopkins, passed by a vote of 5 in favor (Stephens, Hopkins, Heal, M^cCarthy, Bernstein), 0 opposed, and 0 abstentions.

**2. Continuation of Public Hearing - Kevin & Katherine Oliver (217-44)
(44 Black Cat Island Road)
Variance from Article III, Paragraphs B (1)(3)(4) [Accessory Structure]**

The board reviewed the Draft Notice of Decision prepared by the Town Planner, as directed by

the board at the hearing on April 21st. There were no changes made to the draft decision or further discussion regarding the hearing.

Motion: Mr. Hopkins moved to deny the application of **Kevin & Katherine Oliver (217-44)** for a variance, as detailed in the Draft Notice of Decision, and authorize the Chairman to sign the Notice of Decision, seconded by Mr. Heal, passed by a vote of 5 in favor (Stephens, Hopkins, Heal, M^cCarthy, Bernstein), 0 opposed, and 0 abstentions.

**3. Continuation of Public Hearing - William R. & Karen Palma Halliday (147-29)
(180 Wentworth Shores Road)
Special Exception for Expansion of Non-Conforming Primary Structure**

The board reviewed the Draft Notice of Decision prepared by the Town Planner, as directed by the board at the hearing on April 21st. There were no changes made to the draft decision or further discussion regarding the hearing.

Motion: Mr. M^cCarthy moved to approve the application of **William R. & Karen Palma Halliday (147-29)** for the expansion of a non-conforming primary structure, as detailed in the Draft Notice of Decision, and authorize the Chairman to sign the Notice of Decision, seconded by Mr. Hopkins, passed by a vote of 5 in favor (Stephens, Hopkins, Heal, M^cCarthy, Bernstein), 0 opposed, and 0 abstentions.

VI. Correspondence

- 1) Planning Board Draft Minutes of April 28, 2010 were noted.
- 2) Board of Selectmen Draft Minutes of April 29, 2010 were noted.

VII. Unfinished Business

Review of ZBA By-Laws and Policies

Following discussion at the meeting on April 21st, Mr. Merhalski updated the Board's policies as indicated and provided the document to Board Members for them to formally adopt and sign.

Motion: Mr. Hopkins moved to approve the By-Laws and Policies of the Zoning Board as presented this evening, seconded by Mr. Stephens, carried unanimously.

VIII. Adjournment

Motion: Mr. Bernstein made the motion to adjourn at 7:51 PM, seconded by Mr. M^cCarthy, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant