

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

Regular Meeting

November 17, 2010

Minutes

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

I. Call to Order

Mr. Stephens called the meeting to order at 7:30 PM and appointed Robert Zewski to sit on the board with full voting privileges in place of Kevin M^cCarthy. Mr. Stephens noted that there were only four members present this evening and that applicants are entitled to a full board of five members. If the applicants were willing to proceed with a board of four, then they forfeit their right to request a rehearing on a basis of a board of four. Mr. Stephens noted the applicant may request a continuance to the next available date.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Hopkins moved to approve the Zoning Board of Adjustment Minutes of November 3, 2010, seconded by Mr. Nolin, carried unanimously.

IV. Hearings

1. Carlene Porter-Holmes & Myron Holmes (74-14)(143 Lees Mill Road)
Variance – Article III (B)(1)

Mr. Stephens questioned if the applicant was willing to proceed with a board of four. Mrs. Porter-Holmes stated for the record that they would proceed with a Board of four.

Mrs. Porter-Holmes presented the application for variance. The proposal is to construct a 20' x 20' garage with a connecting stairway to their existing house. Provided with the application was a portion of the septic design which depicts the location of the existing home, Lees Mill Road and Halfway Brook. Also included was a sketch depicting the location of the proposed garage and two computer generated 3D sketches of the house and garage. Mrs. Porter-Holmes stated the proposed garage will meet the required setbacks from the brook and the sideline. She reviewed each of the criteria for the granting of a variance. Mrs. Porter-Holmes answered any questions from the board.

Mr. Hopkins questioned if the applicant was seeking relief from both requirements of Article III, B (1) which is 50' from the centerline of the improved roadway and not less than 25' from the edge of the ROW. Mrs. Porter-Holmes was not aware there were two elements in this section. After further discussion she requested an amendment to the application to include relief from both sections of the

ordinance, 50' from the centerline of the improved roadway and 25' from the edge of the ROW. Mr. Nolin then questioned the distance from the corner of the garage to the edge of the property line as that information was not shown on the sketch. The applicants were not certain of the distance, but noted they know the location of their front property pins and could provide this information to the board. It was the decision of the board to continue the hearing to allow time for the applicant to provide the measurement as requested.

Motion: Mr. Hopkins moved to continue the Public Hearing for **Carlene Porter-Holmes & Myron Holmes (74-14)** to December 1, 2010, seconded by Mr. Zewski, carried unanimously.

2. The Taylor Community (96-4)(Route 171)
Special Exception – Article VII (A)(1), Condominium Conversion

Mr. Nolin stepped down from the Board for this hearing. Mr. Stephens questioned if the applicant was willing to proceed with a board of three. Present in the audience representing The Taylor Community was Catherine Broderick, Esquire, Rod Dyer, Esquire, Steven Smith, Surveyor and Tim Martin of the Taylor Community.

Mr. Dyer questioned the process of the ZBA, asking if they proceeded this evening would they have a decision. He raised the question as they have made application to the Planning Board and are scheduled for a hearing on December 8th. Mr. Stephens explained the process, stating they would not have a decision this evening, as the board would direct staff to draft the Notice of Decision, which would be voted on at their next meeting. Mr. Merhalski stated that with the passage of statute, under SB328, it does allow for dual tracks. The PB can hear the application on the 8th of December, but cannot decide until the ZBA has made a decision.

It was the decision of the applicant to request a continuance to December 1, 2010.

Motion: Mr. Stephens moved to continue the Public Hearing for **The Taylor Community (96-4)** to December 1, 2010, seconded by Mr. Hopkins, carried unanimously.

Mr. Nolin returned to the board at this time with full voting privileges.

3. 34 Sable Run Lane Nom. Trust c/o Alan & BethAnn Ayres, Trustees
(237-12)(50 Braun Bay Road) Variance – Article III (B)(3)

Mr. Stephens questioned if the applicant was willing to proceed with a board of four. Jason Hill, Civil Engineer of Holden Engineering representing the applicant stated for the record that he would proceed with a Board of four.

Mr. Hill stated the request is for a variance to encroach into the required 20 side setback. Mr. Hill described the existing bunkhouse, a single bedroom bunkhouse, on sonar tubes that they wish to replace with a slightly larger structure on a full foundation. Mr. Hill stated the proposed structure is 18' x 22' and the existing structure is approximately 20' x 16'. Mr. Hill briefly described the property and the existing improvements. The proposal will require a Shoreland Permit from DES. They have applied for the permit, which is pending approval. He then went on to describe the proposed improvements to the site which included foundation drains, drywell, mulch & bushes and erosion control measures. Mr. Hill

reviewed each of the criteria for the granting of a variance. Mr. Hill testified that the end result of the proposal would be a more conforming lot. Due to the unique features of the lot and the existing improvements they cannot relocate the proposed bunkhouse and they feel it would be an undue hardship to ask them to relocate the existing septic tanks. Mr. Hill answered any questions from the board.

Mr. Nolin asked what the distance was from the corner of the proposed building to the property line and the distance from the existing building. Mr. Hill noted the application stated seven (7) feet.

Mr. Hopkins questioned the size/dimensions of the existing structure and the proposed structure. It was noted that the plan did not indicate the setback from the property line or the dimensions of the existing or proposed structure. The Board reviewed the application, plan, and the application for DES and determined the proposed structure was 16' x 22' or 352 square feet. The board was unable to calculate the dimension or square footage of the existing structure and felt that that information was necessary to proceed with their review of the application. It appeared to the board that the proposed structure is considerably larger than the existing and was in agreement that would be more non-conforming, while Mr. Hill feels they are making the Lot more conforming.

Mr. Nolin questioned what the hardship was. Mr. Hill stated to place the structure in any other location would interfere with the driveway, access to the garage and the location of the existing septic tanks.

It was the decision of the board to continue the hearing to allow time for the applicant to provide the information as requested.

Motion: Mr. Stephens moved to continue the Public Hearing for **34 Sable Run Lane Nom. Trust c/o Alan & BethAnn Ayres, Trustees (237-12)** to December 1, 2010, seconded by Mr. Hopkins, carried 3 to 1 with Mr. Nolin opposing.

V. Correspondence

- 1) Planning Board Draft Minutes of November 10, 2010 were noted.
- 2) Board of Selectmen Draft Minutes of November 4, 2010 were noted.

VI. Unfinished Business

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:32 PM, seconded by Mr. Zewski, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant