

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

Regular Meeting

August 4, 2010

Minutes

Present: Members: Bob Stephens, Jerry Hopkins, Russell Nolin, Ray Heal;
Town Planner, Dan Merhalski
Excused: Members: Kevin M^cCarthy; Alternate: 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. 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. Nolin moved to approve the Zoning Board of Adjustment Minutes of July 21, 2010, seconded by Mr. Heal, carried unanimously.

IV. Hearings

1. Continuation of Public Hearing – Mark & Sarah Cotrupi (54-1)(101 Sheridan Road) Variance from Article III, Paragraph I

Mr. Stephens noted a letter from the applicant dated July 26, 2010. In the letter Mr. Cotrupi wrote if there was not a full board of five members present, that he respectfully requested a continuance to August 18th. Mr. Stephens stated for the record that there were only four members present this evening and called for a motion to grant the request for continuance as requested.

Motion: Mr. Hopkins moved to continue the Public Hearing for **Mark & Sarah Cotrupi (54-1)** to August 18, 2010, seconded by Mr. Heal, carried unanimously.

2. Wendy H. Michael (168-12)(54 Knoll Point Drive) Variance from Article III, Paragraph I

Mr. Stephens noted that there were only four members present at this time and that the applicant is entitled to a full board of five members. Mr. Stephens questioned if the applicant was willing to proceed with a board of four, noting if they choose 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. Greg Michael, representing his wife, Wendy, stated for the record that they would proceed with a Board of four.

Wendy Michael was present in the audience for the hearing. Mr. Michael gave a brief history of the property, noting they had been before the ZBA in 2005 and 2006. In 2006 the ZBA granted a variance

from Article III, Paragraph I of the Zoning Ordinance to permit a residential dwelling 41' in height. Mr. Michael noted they have received approval from NH DES for the project. Mr. Michael stated the home had not been constructed and during the past couple of years he and his wife have decided upon a different home and are requesting a variance from the height limitation to allow a home 43' 4". Mr. Michael noted the application was a request for 45', noting they would accept 43 ½ feet. Mr. Michael described the lot, noting they are limited to the area in which they can construct the dwelling and a garage due to the hydric soils and the location of the septic system. They have chosen to put the garage under the house with two floors of living space above.

Mr. Michael provided the Board with a sketch which was highlighted showing the footprint of the existing home, the footprint of the prior approval and the footprint of the proposed new home.

Mr. Michael stated they agree to the same requirements of the prior approval, requiring there be no living space above the 32' foot level and the installation of a sprinkler system in accordance with NFPA 13D. Mr. Michael stated he had contacted the Fire Chief but had not received back any comment. The Board was in receipt of a comment from the Fire Chief and a copy was provided to the applicant. The Fire Chief commented that his position on buildings exceeding 32 feet remained unchanged, they do not have the equipment to conduct fire extinguishment and vertical ventilation operations in building of this height. The best way to prevent a need for these functions is to prevent a fire in these buildings and sprinklers will do that.

Joel Mudgett (who made it clear that he was speaking as a private resident) spoke to the subject of the request for a variance of the height requirement. Mr. Mudgett stated the reasoning for the height restriction being added to the ordinance was due to the fact the firefighters could not access the roofs for venting and chimney fires. If the ZBA continues to grant approvals for height variances the town is going to need to purchase a ladder truck at the cost of one million plus. The hardship would be for the tax payers having to come up with the money for a ladder truck.

Mr. Hopkins questioned what the height or length of the ladders the Fire Department has now. Mr. Mudgett stated he was certain, but in the area of 36 feet.

Mr. Stephens questioned the pitch of the roof. Mr. Michael said that he wasn't certain, either a 10 or 12 pitch. Mr. Stephens stated dropping the pitch from 12/12 to 12/11 would lower the ridge 17" and dropping it from a 12/12 to 12/10 would lower the ridge 34", which would allow them to meet the height variance approved in 2006. Mr. Michael stated they did not know what that would do aesthetically to the appearance of the building and did not wish to change it.

Mr. Mudgett recommended if the board were to approve the variance that they include the requirement that the driveway access be improved to allow the access of a ladder truck. Mr. Michael stated there is currently adequate access for emergency vehicles.

Mr. Stephens noted there were no further questions from the public. The board went into deliberative session at 8:16 to discuss each of the criteria for the granting of a variance. After discussing the first two criteria Mr. Michael excused himself and indicated that he had the general consensus of the board and stated they did not need to continue with their deliberations, and that he respectfully wished to withdraw the application at this time.

Motion: Mr. Hopkins moved to come out of deliberative session and to grant the request for withdrawal of the application for variance submitted by **Wendy H. Michael (168-12)** seconded by Mr. Heal, carried unanimously.

V. Correspondence

1) Discussion regarding Grimaldi Variance (137-5)(19 Avon Shores Road) – Mr. Stephens noted that the board had granted a variance in 2001 for the existence of a 2nd dwelling on Ms. Grimaldi’s property with several conditions. First that it was for the express use of Cynthia Grimaldi and second that she must remain the principal occupant. The variance shall expire when either or both of the conditions no longer apply. Mr. Stephens noted the passing of Ms. Grimaldi. The board discussed the conditions of approval and what actions to be taken. It was the decision of the board to send a letter to Ms. Grimaldi’s daughter notifying her that they no longer meet the requirements of the variance that was granted and that the board is rescinding the variance. Out of respect for the family it was the decision of the board to wait 90 days before sending the letter.

Motion: Mr. Hopkins moved to direct staff to write the letter as discussed, notifying the property owner that the Board is rescinding the variance and that they must cause all facilities that make up a kitchen to be removed as stated in the Board’s decision of December 5, 2001. seconded by Mr. Heal, carried unanimously.

2) Planning Board Draft Minutes of July 28, 2010 were noted.

3) Board of Selectmen Draft Minutes of July 15 & 29, 2010 were noted.

4) Board of Selectmen’s Summer Informational Minutes of July 22, 2010 were noted.

VI. Unfinished Business

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:40 PM, seconded by Mr. Hopkins, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant