

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

Regular Meeting

January 5, 2011

Minutes

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

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 Ms. Roseberry to sit on the board with full voting privileges in place of Mr. Heal.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Nolin moved to approve the Zoning Board of Adjustment Minutes of December 15, 2010, seconded by Ms. Roseberry, carried unanimously.

IV. Hearings

1. Continuation of Public Hearing - 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 appointed Mr. Zewski to sit on the board with full voting privileges in place of Mr. Nolin.

Present in the audience representing The Taylor Community was Catherine Broderick, Esquire, Rod Dyer, Esquire and Tim Martin of the Taylor Community.

Mr. Stephens briefly summarized what had taken place at the prior hearing, noting it was continued as the Board had questions relating Mr. Hopkins correspondence regarding the Draft Notice of Decision (NoD) in which he had recommended an amendment to the NoD. Mr. Hopkins spoke to his concern regarding the NoD as written. It recognizes parts of the Ordinance and the criteria of the Board's decision in the Findings of Fact. However, it did not indicate that the ordinance is a part of the conditions of approval. The Board discussed this and Attorney Dyer agreed with Mr. Hopkins recommendation and did not have a problem if they were included in the NoD. Mr. Merhalski stated the three (3) conditions as noted in the NoD no longer applied as the applicant received Planning Board approval on December 8th. It was the decision of the Board to amend the NoD to remove the three conditions as shown in the draft.

Mr. Stephens asked if there were any questions from the public. Linda Nolin stated she understands the Taylor Community has no plans to make changes to the site, but noted her concerns if and when the property is sold. She questioned if they would only be required to go before the Planning

Board for a subdivision. That was stated yes. She gave a few scenarios, such as the addition of a fifteen (15) unit apartment building or the construction of a medical center, questioning if they would require only Planning Board approval. It was noted the scenarios given would require approval from both the Zoning and Planning Boards.

Motion: Mr. Hopkins moved to approve the application for **The Taylor Community (96-4)** for a special exception, as amended in The Draft Notice of Decision, and authorize the Chairman to sign the Notice of Decision, seconded by Ms. Roseberry, passed by a vote of five (5) in favor (Stephens, Hopkins, Roseberry, M^cCarthy, Zewski), 0 opposed and 0 abstentions.

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

2. Continuation of Public Hearing - 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 stated this was a continued hearing for a variance for 34 Sable Run Lane Nom. Trust. It was noted there was no one present this evening representing the applicant.

The board reviewed the Draft Notice of Decision prepared by the Town Planner, as directed by the Board at the hearing on December 15th. There were no changes made to the draft decision or further discussion regarding the hearing.

Motion: Mr. Hopkins moved to deny the application for **34 Sable Run Lane Nom. Trust c/o Alan & BethAnn Ayres, Trustees (237-12)** for a variance, as detailed in the Draft Notice of Decision, and to authorize the Chairman to sign the Notice of Decision, seconded by Ms. Roseberry, passed by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Roseberry, M^cCarthy), 0 opposed and 0 abstentions.

V. Correspondence

1) Mr. Stephens noted a letter dated December 23rd from Craig Moriarty. Mr. Moriarty is requesting a continuance of the re-hearing granted by the Board until mid-March or April. The Board discussed the request and the option of either a continuation or a withdrawal. As Mr. Moriarty did not have a specific date for continuance, it was the decision of the Board to choose the withdrawal.

Motion: Mr. Hopkins moved to acknowledge the request of Craig Moriarty (170-17) and to grant the withdrawal without prejudice, seconded by Mr. Stephens, carried unanimously.

2) Planning Board Draft Work Session Minutes of December 13, 2010 were noted.

3) Planning Board Draft Minutes of December 22, 2010 were noted.

VI. Unfinished Business

1) Mr. Merhalski presented the Board with a draft version of the Zoning Board of Adjustment yearly report, stating it is the Board's reporting of activity for the year ending 2010. Mr. Merhalski asked for any comments or changes to the report. Board members reviewed the report as drafted. It was the

consensus of the Board to have Mr. Merhalski forward the report to the BoS to be included in the 2010 Annual Report.

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:05 PM, seconded by Mr. Nolin, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant