

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

**Regular Meeting**

**February 16, 2011**

**Minutes**

Present: Members: Bob Stephens, Jerry Hopkins, Russell Nolin;  
Alternate: Nicol Roseberry; Town Planner, Dan Merhalski  
Excused: Members: Ray Heal, Kevin M<sup>c</sup>Carthy  
Alternate: Robert Zewski

**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. Hopkins moved to approve the Zoning Board of Adjustment Minutes of January 5, 2011, seconded by Mr. Nolin, carried unanimously.

**IV. Hearings**

1. James and Jody Gangi (99-61)(45 Eden Lane)  
Variance from Article III, Paragraph B(1)

Mr. Stephens noted that there were only four members present this evening and the applicant is entitled to a full board of five members. If the applicant was willing to proceed with a board of four, then he forfeits his 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. Mr. Gangi stated for the record that he would proceed with a board of four.

Mr. Gangi presented the application for variance and gave a brief description of the property. Mr. Gangi stated the proposal is to expand the existing front porch. The footprint was 6' x 14' and they are requesting a variance to increase it to 10' x 19'.

Mr. Stephens clarified that Mr. Gangi was requesting a variance for a porch that is already in existence. Mr. Gangi stated yes. Mr. Stephens asked how Mr. Gangi got to that point without first coming to the board. Mr. Gangi stated they had several projects on their house at the same time. His contractor did obtain a permit for renovations, but at that time they had not decided on what they were going to do with the existing porch, they thought they would go up. After they had the permit, they realized going up would not work with the crawl space or financially. Plan B was to add onto the porch. Mr. Gangi did not realize the permit issued didn't include the extended porch. Mr. Gangi was not aware that the expansion of the front porch required a variance. He noted that he took ownership of not knowing the rules of expanding the porch. He stated that this was not intentionally done and was an over sight on his part. Mr.

Gangi stated they have an issue in their crawl space with the water table and the existing foundation could not support going up.

Mr. Stephens summarized this issue as being a lack of communication or miscommunication between Mr. Gangi, his builder and the lack of knowledge that there was a setback limitation to expand into the area that required ZBA approval. Mr. Gangi stated he had a permit and thought he was good, until he received a letter from the Code Enforcement Officer that there was an issue with the setback. Mr. Gangi provided the board with photos of his home with the expanded porch.

Mr. Hopkins questioned how far off the ground the porch or deck was. Mr. Gangi stated that it is an enclosed porch with two steps up.

Mr. Nolin questioned who the builder was. It was noted that it was Wayne Starks.

Mr. Gangi described the layout of his property and his reasons as to why they could not have expanded in another location. He stated there is a waterway/brook that is behind his house, a water table issue and the low lying ground would not allow them to add to the rear of the house.

Mr. Stephens asked if there were any questions from the public, it was noted there were none. The board went into deliberative session to discuss the criteria for the granting of the variance. The board returned from deliberative session. As a result of their discussion, it was their decision to continue the hearing to allow time for the board to conduct an on-site visit at a later date when the board can view the property in relation to the location of the brook and other issues.

**Motion:** Mr. Stephens moved to continue the Public Hearing for **James and Jody Gangi (99-61)** to April 20, 2011, and to schedule an on-site visit for Saturday, April 16<sup>th</sup> at 8 AM. Seconded by Mr. Hopkins, carried unanimously.

## **V. Correspondence**

1) Planning Board Draft Public Hearing Minutes of January 13 & 31, 2011, and Planning Board Draft Minutes of January 26 & February 9, 2011 were noted.

2) Board of Selectmen Draft Minutes of January 20 & 27, 2011 were noted.

## **VI. Unfinished Business**

Mr. Stephens noted he would not be present at the meeting on March 2<sup>nd</sup>, and it was not certain if there would be a quorum for that date. It was the decision of the board to cancel the meeting.

**Motion:** Mr. Hopkins moved to cancel the March 2<sup>nd</sup> meeting of the ZBA, Seconded by Mr. Nolin, carried unanimously.

## **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