

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

Regular Meeting

April 6, 2011

Minutes

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

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 Mr. Zewski and Ms. Roseberry to sit on the board with full voting privileges in place of Mr. M^cCarthy and Mr. Heal.

II. Pledge of Allegiance

III. Organizational Meeting

Mr. Hopkins suggested the Board go out of order from the posted agenda, taking up the 2011 Board Organization – Election of Officers and Review of Policies and By-Laws, after the scheduled hearings. He also requested switching the order of hearings 1 and 2, as he felt the Board should open the Public Hearing for the Equitable Waiver prior to the Special Exception. Board members were in agreement with going out of order from the posted agenda.

IV. Approval of Minutes

Motion: Mr. Hopkins moved to approve the Zoning Board of Adjustment Minutes of February 16, 2011, seconded by Mr. Nolin, carried unanimously.

IV. Hearings

1. Trey & Anthony Wilson (23-15)(1225 Whittier Highway)
Equitable Waiver of Dimensional Requirements

Jim Hambrook of Hambrook Land Surveying and Trey Wilson were present in the audience for the hearing. Mr. Hambrook noted the applicant is requesting an Equitable Waiver from the rear setback of twenty-five (25) feet in Art. VI (F)(2). Mr. Hambrook stated the existing footings were put in by a prior owner and an unassembled steel building was on site when Mr. Wilson purchased the property. He obtained a building permit to erect the structure which showed the setback to the footings to be twenty-two (22) feet from the property line. The building was permitted and constructed with no ill intent. It was constructed on the existing footings. After the property lines were reconstructed from a survey of the airport, it was determined that the setbacks are seventeen (17) feet to the west and twenty-one (21) feet to the east corners. Mr. Hambrook answered any questions from the board.

Mr. Hopkins questioned what lots have deeded access over the right-of-way to the airport. Mr. Hambrook noted two lots do, and this lot did not. Mr. Hopkins questioned how the lot was accessed. Mr. Hambrook pointed to the access, off Route 25.

Mr. Stephens questioned when the footings were put in. Mr. Hambrook did not know the exact date, but noted they had been there for a long period of time.

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 each of the criteria for the granting of the equitable waiver at 7:41 PM and came out at 7:44 PM. There was no further input from the board or public. The following motion was made.

Motion: Mr. Hopkins moved to direct staff to draft a Notice of Decision approving the request for an Equitable Waiver of Dimensional Requirements as presented, and to continue the Public Hearing for **Trey & Anthony Wilson (23-15)** to April 20, 2011, seconded by Ms. Roseberry, carried unanimously.

2. Trey & Anthony Wilson (23-15)(1225 Whittier Highway)
Special Exception – Article VI Paragraph E

Jim Hambrook of Hambrook Land Surveying and Trey Wilson were present in the audience for the hearing. Mr. Hambrook briefly described that the site is developed. There is an existing garage and the proposal is to operate Mr. Wilson's excavation business out of the existing garage and to construct a residence on the lot. Mr. Hambrook briefly described the proposed use, noting that there will not be any customer/clients to the site. Therefore the parking requirements are minimal, for Mr. Wilson's own vehicles. There will be no deliveries to the site. Mr. Hambrook answered any questions from the board.

Mr. Hopkins questioned if there would be any materials stored on site, such as piles of stone or a rock crusher. Mr. Wilson stated there would be no storage of materials on site.

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 each of the criteria for the granting of the special exception at 7:49 PM and came out at 7:51 PM. There was no further input from the board or public. The following motion was made.

Motion: Mr. Hopkins moved to direct staff to draft a Notice of Decision approving the request for Special Exception as presented and to continue the Public Hearing for **Trey & Anthony Wilson (23-15)** to April 20, 2011, seconded by Mr. Stephens, carried unanimously.

3. Squam Byrne, LLC (13-1)(near 928 Bean Road)
Variance from Article III, Paragraph B(4)

Ms. Roseberry stepped down from the board for this hearing.

Mr. Stephens stated for the record 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.

Dan Ellis of Ames Associates, representing Squam Byrne LLC stated for the record that he would proceed with a Board of four. Mr. Ellis briefly stated that this project was brought before the board in July 2010 and received an approval for a variance for a new bathhouse to be located 26.2 feet from shore. Since that time, the applicants have changed their plans and are purchasing a prefab bathhouse and would like to change the location of the bathhouse. It will be 39.3 feet from the shoreline

and moved closer to the dock, but still within the 50' setback. The proposed bathhouse is the same square footage as what was approved in 2010. Mr. Ellis went over each of the criteria for the granting of a variance and answered any questions from the board.

The Board reviewed the July 2010 Notice of Decision approval of the variance.

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 each of the criteria for the granting for the variance at 8:03 PM and came out at 8:05 PM. There was no further input from the public.

Mr. Nolin questioned if the applicant had received an amended approval from the NH DES. Ms. Roseberry stated that they have the amended approval. Mr. Nolin requested the approval include the current NH DES permit number and that it be provided to the board prior to final approval. The following motion was made.

Motion: Mr. Hopkins moved to direct staff to draft a Notice of Decision to grant the Variance as amended for **Squam Byrne, LLC (13-1)** and to continue the Public Hearing to April 20, 2011, seconded by Mr. Zewski, carried unanimously.

Ms. Roseberry returned to the board at this time with full voting privileges.

VI. Correspondence

2011 Board Organization – Election of Officers and Review of Policies and By-Laws

Mr. Stephens stated this was the business portion of their annual Organizational Meeting. As Senior Member, Mr. Hopkins called the Organizational Meeting to order. There was a question regarding members who were eligible to vote, elected verses alternates. It was the consensus of the board to defer the Organizational Meeting to April 20th, so that all five elected members may be present to vote for the election of Chairman and Vice Chairman.

Mr. Merhalski provided the board with copies of the ZBA Bylaws and Policies for review. It was the decision of the Board to continue the review of the Bylaws and Policies to April 20th, so that all five elected members may be present to discuss them and make any necessary amendments.

Motion: Mr. Hopkins moved to continue the 2011 Board Organization Meeting - Election of Officers and Review of Policies and By-Laws to April 20, 2011, seconded by Mr. Stephens, carried unanimously.

1) Mr. Stephens noted a letter dated April 5, 2011, from Joseph Crowe. Mr. Crowe was present this evening and expressed his interest in serving as an Alternate to the Zoning Board of Adjustment. After a short discussion the following motion was made.

Motion: Mr. Hopkins moved to appoint Joseph Crowe as an Alternate Member of the Zoning Board of Adjustment for a term of three (3) years, terminating on March 31, 2014 seconded by Mr. Zewski, carried unanimously.

2) Mr. Stephens stated the NH OEP Annual Spring Planning & Zoning Conference will be on Saturday, June 11, 2011 and were encouraged to attend. Those wishing to attend should contact Mr. Merhalski.

3) Planning Board Minutes Draft Minutes of February 23, March 9, 23 & 30, 2011 were noted.

4) Board of Selectmen Draft Minutes of February 17, March 3, 17 & 31, 2011 were noted.

VII. Unfinished Business

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:25 PM, seconded by Ms. Roseberry, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant