

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

Regular Meeting

May 18, 2011

Minutes

Present: Members: Bob Stephens, Jerry Hopkins, Russell Nolin, Ray Heal, Nicol Roseberry
Alternates: Robert Zewski, Joseph Crowe; Town Planner: Dan Merhalski

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.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Ms. Roseberry moved to approve the Zoning Board of Adjustment Minutes of May 4, 2011 as written, seconded by Mr. Hopkins, carried unanimously.

IV. Hearings

Ms. Roseberry stepped down from the board at this time for both hearings number 1 & 2. Mr. Stephens appointed Mr. Zewski to sit on the board with full voting privileges.

1. 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 noted the board was in receipt of an e-mail from the applicant withdrawing their application for a variance.

Motion: Mr. Hopkins moved to grant the request for withdrawal of the application for variance submitted by **34 Sable Run Lane Nom. Trust (237-12)**, seconded by Mr. Stephens, carried unanimously.

2. Richard and Claudette Burbank (166-23)(62 Driftwood Drive) Variance – Article III (B)(3)

Robert Pollock, Jr. of Pollock Land Planning, LLC, presented the application for variance. Mr. Burbank was present in the audience for the hearing. Mr. Pollock briefly described the property and the proposed construction of an addition to the existing residence. The intrusion of the proposed addition is a triangular area of approximately sixteen (16) square feet and will encroach four (4) feet closer to the Lot line at the closest point. Mr. Pollock stated they have received a Shoreland permit from NH DES for the project. Mr. Pollock commented the existing house was not built squarely on the lot, had it been, there would not be the need for a variance as the addition would meet the required setbacks.

Mr. Hopkins commented that one of the standards per RSA 674:33(1)(b) relates to hardship and asked how this proposal differs between want and need. Mr. Burbank commented that the existing home is small (26 x 40), one floor and the bedroom is very small.

Mr. Stephens asked what was the length of the property Line, what direction the gable end was, and if the proposed addition could be shortened to meet the setback. Mr. Burbank stated the direction of the gable and that there was not another area in which he could easily construct an addition due to a retaining wall and the topography of the site.

Mr. Stephens asked if there were any questions from the public, it was noted there were none.

Mr. Nolin questioned if board members would benefit from an on-site visit of the property. Members felt an on-site visit would be beneficial and were in agreement to the scheduling of such.

Motion: Mr. Nolin moved to schedule an on-site visit for **Richard and Claudette Burbank (166-23)** for Saturday, May 21st at 8 AM, seconded by Mr. Zewski, carried unanimously.

Motion: Mr. Stephens moved to continue the Public Hearing to June 1, 2011 for **Richard and Claudette Burbank (166-23)** seconded by Mr. Hopkins, carried unanimously

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

3. Robert and Linda Spence (197-9)(354 Redding Lane)
Special Exception – Article III (B)(6)

Gerald Fransen of Abode Builders presented the application for Special Exception. Mr. Fransen briefly described the proposed project requiring board approval, the construction of a boardwalk and step (in the required setback) that would tie into the existing deck. Mr. Fransen stated the work to be completed would be done via shovel and wheelbarrow, and the root structure will remain. The boardwalk will be constructed of pressure treated lumber and a composite decking. Mr. Fransen stated he had contacted NH DES in regards to the project and received a reply from Jay Aube. Mr. Aube indicated a Shoreland permit would not be required if the proposed changes did not require excavation with mechanized equipment of fill and the walkway was constructed over the existing slate system.

Mr. Nolin commented he would prefer the existing slate to be removed and a more impermeable material placed under the deck. Board members commented DES's reply was no permit would be required if the walkway was constructed over the existing slate system.

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 special exception at 8:02 PM and came out at 8:04 PM. There was no further input from the board or public.

Motion: Mr. Hopkins moved to direct staff to draft a Notice of Decision to grant the Special Exception for **Robert and Linda Spence (197-9)** and to continue the Public Hearing to June 1, 2011, seconded by Ms. Roseberry, carried unanimously.

VI. Correspondence

- 1) Planning Board Draft Minutes of May 11, 2011 were noted.

VII. Unfinished Business

Review of Policies and By-Laws

Following discussion at the meeting on May 4th, Mr. Merhalski updated the Board's policies as indicated and provided the document to Board Members for them to formally adopt and sign.

Motion: Mr. Stephens moved to approve the Policies and By-Laws of the Zoning Board as presented this evening, seconded by Mr. Nolin, carried unanimously.

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:12 PM, seconded by Mr. Hopkins, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant