

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

**Regular Meeting**

**June 1, 2011**

**Minutes**

Present: Members: Bob Stephens, Jerry Hopkins, Russell Nolin, Nicol Roseberry  
Alternate: Joseph Crowe  
Excused: Member: Ray Heal  
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 Mr. Crowe 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 May 18, 2011 as written, seconded by Mr. Nolin, carried unanimously.

**Motion:** Mr. Hopkins moved to approve the Zoning Board of Adjustment On-site Minutes of May 14, 2011 as written, seconded by Mr. Nolin, carried unanimously.

**Motion:** Mr. Hopkins moved to approve the Zoning Board of Adjustment On-site Minutes of May 21, 2011 as written, seconded by Mr. Nolin, carried unanimously with Ms. Roseberry abstaining.

**IV. Hearings**

Ms. Roseberry stepped down from the board at this time. Mr. Stephens noted that there were only four members seated at this time and the applicant is entitled to a full board of five members. If the applicant was willing to proceed with a board of four; he then 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.

1. Continuation of Public Hearing Richard and Claudette Burbank (166-23)(62 Driftwood Drive) Variance – Article III (B)(3)

Robert Pollock, Jr. of Pollock Land Planning, LLC, was present representing the applicants. Mr. Burbank was present in the audience for the hearing. Mr. Pollock stated for the record that his client would proceed with a board of four.

Mr. Pollock stated the board had conducted an on-site visit of the property on May 21<sup>st</sup>. Prior to the on-site, Mr. Burbank had strung, what he thought was the property line. At the site visit, board members thought there was a bow to the line, therefore questioning the actual distance from the Lot line to the proposed addition. It was suggested one option available to the applicant was to have the actual Lot

line surveyed and locate the corner of the proposed addition. Mr. Pollock stated that they have had the Lot line surveyed and referred to a site plan of land completed by Richard Bartlett & Associates, LLC. The intrusion into the setback was reduced to 15.004 square feet and will encroach 2.42 feet into the setback area, at the closest point. Mr. Pollock stated that there was an existing buffer of trees between the abutting property that will remain, and that the abutting home is set back further from the lake than the Burbank home. Mr. Pollock spoke to hardship, re-iterating that 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. Stephens questioned the dimensions of two sides of the triangle which represented the area of the proposed addition which will encroach into the setback. Mr. Pollock stated they were 2.42 feet and 6.2 feet, or 15.004 square feet. The application still reads 4 feet and 16 square feet. This could be amended by the applicant this evening.

Mr. Hopkins commented that there was no seal from the surveyor on the plan. Mr. Pollock stated that it was the policy of Richard Bartlett to stamp the plan after it was approved by the board. Members questioned this, stating they rely on certified information from the plan.

Mr. Stephens questioned what was the need verses the want for the proposed addition. Mr. Burbank stated that he did not understand what a hardship was. Mr. Stephens read from the variance criteria what "Unnecessary Hardship" meant. Mr. Burbank argued why and questioned how come he could not put an addition onto his house, as he owned the area within the 20 foot setback and pays taxes on it. Mr. Stephens stated the setbacks were voted on and adopted by the residents of the town.

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 8:02 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 deny the variance for **Richard and Claudette Burbank (16623)** and to continue the Public Hearing to June 15, 2011, seconded by Mr. Crowe, carried unanimously.

Mr. Stephens noted that the applicant has the right to request a re-hearing within 30 days or appeal to Superior Court within 30 days of the date of this decision.

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

2. Continuation of Public Hearing - Robert and Linda Spence (197-9)(354 Redding Lane)  
Special Exception – Article III (B)(6)

Mr. Stephens stated this was a continued hearing for a special exception. 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 May 18<sup>th</sup>. There were no changes made to the draft decision or further discussion regarding the hearing.

**Motion:** Mr. Hopkins moved to approve the application for **Robert and Linda Spence (197-9)** for a special exception, as detailed in the Draft Notice of Decision, and to authorize the Chairman to sign the Notice of Decision, seconded by Mr. Nolin, passed by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Roseberry, Crowe), 0 opposed and 0 abstentions.

**VI. Correspondence**

1) Planning Board Draft Minutes of May 25, 2011 were noted.

**VII. Unfinished Business**

**BoS Request for Input Regarding Possible Need for an Interim Town Planner**

Mr. Stephens noted the Board of Selectmen has requested input from the ZBA as to the need for an interim Town Planner until the position is filled and representative from the ZBA to serve on the Screening Committee.

Board members discussed this, with Mr. Hopkins volunteering to serve on the committee. In regards to an interim planner, it was the consensus of the board that they feel they do not need an interim planner.

**Motion:** Mr. Stephens designated Mr. Hopkins to serve as the representative from the Zoning Board on the screening committee, Seconded by Mr. Nolin, carried unanimously.

**VII. Adjournment**

**Motion:** Mr. Stephens made the motion to adjourn at 8:08 PM, seconded by Mr. Crowe, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant