

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

Regular Meeting

July 20, 2011

**Minutes**

Present:       Members:     Bob Stephens, Russell Nolin, Ray Heal  
                  Alternates:   Robert Zewski, Joseph Crowe  
Excused:       Members:     Jerry Hopkins, Nicol Roseberry

**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 Mr. Crowe to sit on the board with full voting privileges in place of Mr. Hopkins and Ms. Roseberry.

**II.    Pledge of Allegiance**

**III.   Approval of Minutes**

**Motion:**       Mr. Heal moved to approve the Zoning Board of Adjustment Minutes of July 6, 2011 as written, seconded by Mr. Crowe, carried unanimously.

**IV.   Hearings**

1.     Continuation of Public Hearing M. Christine Jacobs (243-32)(50 Ruppert Road)  
       Variance – Article III (B)(3)

Mr. Stephens stated this was a continued hearing for M. Christine Jacobs. It was noted for the record that no one was present this evening representing the applicant.

It was noted the board was in receipt of an amended NHDES permit to replace the 26' x 36' structure with a new foundation. The prior approval was to repair the foundation.

The board reviewed the Draft Notice of Decision prepared by staff, as directed by the board at the hearing on July 6<sup>th</sup>. There were no changes made to the draft decision or further discussion regarding the hearing.

**Motion:**       Mr. Crowe moved to approve the application for **M. Christine Jacobs (243-32)** for a variance, as detailed in the Draft Notice of Decision, and to authorize the Chairman to sign the Notice of Decision, seconded by Mr. Zewski, passed by a vote of five (5) in favor (Stephens, Nolin, Heal, Zewski, Crowe), 0 opposed and 0 abstentions.

2.     Continuation of Public Hearing Hamek Associates (29-4)(Brown Point Road)  
       Variance – Article III (B)(3)

Mr. Stephens stated this was a continued hearing for Hamek Associates. It was noted for the record that no one was present this evening representing the applicant.

The board reviewed the Draft Notice of Decision prepared by staff, as directed by the board at the hearing on July 6<sup>th</sup>. There was one minor change made to the draft decision. The vote had Mr. Nolin shown in favor of and opposed. There was no further discussion regarding the hearing.

**Motion:** Mr. Zewski moved to approve the application for **Hamek Associates (29-4)** for a variance, as detailed in the Draft Notice of Decision, and to authorize the Chairman to sign the Notice of Decision, seconded by Mr. Heal, passed by a vote of four (4) in favor (Stephens, Heal, Zewski, Crowe), one (1) opposed (Nolin) and 0 abstentions.

3. Norman Larson (137-29)(58 Vonhurst Road)  
Special Exception from Article VII B(3)

Norman Larson presented the application for Special Exception. Mr. Larson briefly described the proposed addition of a new foundation, new deck and a new three (3) season porch with intrusions into the 50-foot lake setback. The present intrusion into the lake setback area is 689 sq ft, the proposed new intrusion will be 450 sq ft or 65%. Mr. Larson noted that he has received an approved NHDES Shoreland Permit and provided the board with a copy of the permit. Mr. Larson reviewed each of the criteria for the granting of the special exception. Mr. Larson answered any questions from the Board.

The board questioned the proposed height of the structure to be expanded. Mr. Larson stated that it would meet the 32 foot height limitation as required in the ordinance.

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 7:44 PM and came out at 7:46 PM.

**Motion:** Mr. Heal moved to continue the Public Hearing for **Norman Larson (137-29)** to August 3, 2011, and to direct staff to draft a Notice of Decision granting the special exception for the expansion of a non-conforming primary structure, seconded by Mr. Crowe, carried unanimously.

4. Anthony Campbell and Nora Cross (258-7)(75 Norway Point Road)  
Variance from Article III (B)(4)

David Krause of T.F. Bernier, Inc. presented the application for variance. Owner, Anthony Campbell and Ward D'elia, Architect were present in the audience for the hearing. Mr. Krause briefly described the property and the project to remove, replace and expand the existing camp. The conforming area of the site is limited due to it being located on a point. There is no area that a proposed structure would not encroach on the lake setback. Due to the point, the lake is on all four sides of the structure. Mr. Krause stated they have a permit from NHDES for a prior approval of a proposal for a previous potential buyer of the property. Since they have made changes they will be applying for an amended permit. Mr. Krause reviewed each of the criteria for the granting of a variance. He provided the board with photos of the site taken from the lake. Mr. Krause answered any questions from the board.

Mr. Stephens questioned the septic for the site. Mr. Krause stated that it was a pump system to be located off site and provided the board with a copy of the approval for construction from NHDES.

Mr. Heal questioned if the existing well shown on the plan was to remain. Upon reviewing the plan, Mr. Krause stated that there currently is not a well on the site and noted an error on the plan, the well shown as existing, is actually proposed.

Mr. Zewski questioned the height of the existing structure and the proposed height of the new structure. Mr. D'elia noted the existing structure is a single story and the new structure will be two stories that will meet the 32 foot height limitation as required in the ordinance.

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 variance at 8:05 PM and came out at 8:08 PM.

**Motion:** Mr. Stephens moved to continue the Public Hearing for **Anthony Campbell and Nora Cross (258-7)** to August 3, 2011, and to direct staff to draft a Notice of Decision granting the variance, seconded by Mr. Zewski, carried unanimously.

## **VI. Correspondence**

- 1) Planning Board Draft Minutes of July 13<sup>th</sup>, 2011 were noted.
- 2) Board of Selectmen Draft Minutes of June 30<sup>th</sup> and July 7<sup>th</sup>, 2011 were noted.

## **VII. Unfinished Business**

## **VII. Adjournment**

**Motion:** Mr. Zewski made the motion to adjourn at 8:10 PM, seconded by Mr. Stephens, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant