

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

Regular Meeting

August 17, 2011

Minutes

Present: Members: Bob Stephens, Jerry Hopkins, Russell Nolin, Ray Heal
 Alternate: Joseph Crowe
Excused: Member: Nicol Roseberry
 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 Ms. Roseberry.

II. Pledge of Allegiance

III. Approval of Minutes

Mr. Hopkins noted two minor typo errors in the minutes, first on page 1, the motion should be for a special exception and the second on page 2, the title should be for a variance.

Motion: Mr. Hopkins moved to approve the Zoning Board of Adjustment Minutes of August 3, 2011 as amended, seconded by Mr. Heal, carried unanimously.

IV. Hearings

1. Continuation of Public Hearing - Thomas & Karin Wailgum (107-21)
 (13 Heatherwood Drive) Variance from Article III (B)(3)

Mr. Stephens stated this was a continued hearing for Thomas and Karin Wailgum. Mr. Wailgum was present this evening for the hearing.

The board reviewed the Draft Notice of Decision prepared by staff, as directed by the board at the hearing on August 3rd. Mr. Hopkins commented on items 9 and 13 of the draft, noting 13 was not applicable and he would like 9 to be expanded for further clarification. The was in agreement to strike item 13 and amend and renumber item 9. There were no additional changes made to the draft decision or further discussion regarding the hearing.

Motion: Mr. Hopkins moved to approve the application for **Thomas & Karin Wailgum (107-21)** for a variance, as detailed in the Draft Notice of Decision and amended this evening, 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, Heal, Nolin, Crowe), None (0) opposed and 0 abstentions.

2. Peter R. & Susan W. White (186-12)(34 Wallbridge Way)
 Variance from Article III (B)(1)

Peter and Susan White were in the audience for the hearing. Mr. White stated that he had applied for a variance for an addition to his non-conforming property. Originally he had spoken with White Mountain Survey regarding his project and the applicant and agent were going to apply for a Special Exception for the Expansion of a Non-Conforming Primary Structure. When they were ready to make application, they realized that application was removed from the website. After submitting the application for variance, it was brought to his attention that there was an effective date of September 1, 2011 for the board to take action on a Special Exception for the Expansion of a Non-Conforming Primary Structure. Mr. White was prepared this evening with an application and information to apply for a special exception. The Board discussed this with two questions arising, first abutter notification and second the effective date of September 1, 2011. It was noted that there was public notice for a hearing for a variance which is more restrictive than the special exception, and that the issue of the effective date had been previously discussed with Town Counsel upon the submission of the Larson application last month. It was the consensus of the board that the application could be submitted as a special exception, so long as the board took action by September 1, 2011. Mr. White requested to withdraw his application for a variance as submitted and to re-submit his proposal as a Special Exception for the Expansion of a Non-Conforming Primary Structure.

Motion: Mr. Hopkins moved to accept the withdrawal of the application for a variance for Peter R. & Susan W. White (186-12) and to accept the application as a Special Exception for the Expansion of a Non-Conforming Primary Structure, seconded By Mr. Stephens, carried unanimously.

Mr. White presented his application for a special exception and briefly described the proposed addition. It was noted the present intrusion into the road setback was 1,174 square feet, the proposed addition was 309 square feet, or 26%. Mr. White indicated they had not completed their design of the project and questioned if they were to install steps that would encroach further into the setback would it require approval from the Board. Mr. Stephens stated that in the past, if the steps were made of a landscape material, such as granite, that the Code Enforcement Officer had not considered that to be part of the structure. If the steps were to be "permanently constructed" than that would require a variance from the ZBA.

Mr. Stephens noted a letter of support dated June 30th, 2011 from Cis and Bill Glavin.

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 7:52 PM and came out at 7:55 PM.

Motion: Mr. Hopkins moved to continue the Public Hearing for **Peter R. & Susan W. White (186-12)** to September 7, 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. Nolin, carried unanimously.

3. Scott & Elizabeth Dolfi (188-30)(80 Wyman Trail)
Variance from Article III (I)

Peter Bolton of Christopher P. Williams, Architects presented the application for variance. Mr. Bolton briefly described the property and the project to remove, replace and expand the residence. They are requesting a variance from the ordinance to allow a single structure (proposed residence) to exceed the overall height restriction of 32 feet, noting the requested average height to be 34.76 feet. Mr. Bolton stated due to use of the basement area for multiple uses such as an exercise room, recreational room, sauna etc. they would like to have a walk out basement from a life safety standpoint, as opposed to having to go upstairs and out. They explored options for mitigating the height, from cutting off the top of

the roof for a flat top, which they don't recommend as they tend to leak. Reducing the pitch, but this would create a problem with an asphalt shingle roof. If they choose metal roofing there is a problem with snow or ice hazards. If they expand the footprint of the building they would be getting closer to the neighbors. From an architect's point of view, the pitches in the roof enhance the single family home.

The board reviewed the plan at length with Mr. Bolton. Mr. Nolin questioned if there was any comment from the Fire Chief regarding this request. Mr. Stephens stated he has spoken with the Chief, who had reviewed the plan, but had not provided written comment. Verbally it was indicated that he did not have a problem with this particular design. Board members viewed the plan, the topography, the step down roof and the method in which the Code Enforcement Officer calculates the average height.

Mr. Hopkins view was that the hardship in the project was the applicants desire to have an architecturally styled building, with a pitched roof. However, the board was not certain that that would meet the criteria for hardship.

Mr. Nolin requested a continuance of the hearing to allow the board to request and receive a written opinion from the Fire Chief regarding this project. Included in the comment, they would like the Chiefs reasoning to what his decision.

Mr. Crowe suggested in the request to the Fire Chief that the Board indicate to him, the building as proposed, if erected, what is his opinion of being able to fight a fire if necessary. And to have the Fire Chief give an account of yes they can, and this is why they can, or no they can't and give the reason why they couldn't. This would give the board an understanding of the Fire Chief's tactic towards the structure as proposed.

Motion: Mr. Stephens moved to continue the Public Hearing for **Scott & Elizabeth Dolfi (188-30)** to September 7, 2011, as discussed. Seconded by Mr. Hopkins, carried Unanimously.

Mr. Stephens questioned if the new building as proposed was in the general location as the existing and if the Fire Chief were to do an on-site visit to inspect the land, would he be able to site the location of the proposed building. Mr. Bolton stated the proposed building is staked out on-site now. Mr. Stephens stated he would arrange a site visit between the Fire Chief, Mr. Bolton and himself to facilitate an accurate evaluation of the site conditions.

VI. Correspondence

- 1) Planning Board Draft Minutes of August 10th, 2011 were noted.
- 2) Board of Selectmen Draft Minutes of August 4th, 2011 were noted.

VII. Unfinished Business

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:38 PM, seconded by Mr. Nolin, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant