

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

Regular Meeting

October 19, 2011

Minutes

Present: Members: Bob Stephens, Jerry Hopkins, Ray Heal, Nicol Roseberry
 Alternate: Joseph Crowe; Town Planner, Bruce W. Woodruff
Excused: Member Russell Nolin
 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. Nolin.

II. Pledge of Allegiance

III. Approval of Minutes

Mr. Hopkins suggested, for clarification, adding the words “from the public” to the last paragraph for the Jancic Family public hearing on page two.

Motion: Mr. Hopkins moved to approve the Zoning Board of Adjustment Minutes of October 5, 2011 as amended, seconded by Ms. Roseberry, carried unanimously.

IV. Hearings

1. Continuation of Public Hearing – Jancic Family Revocable Trust 2011 (133-42)(169 Stanyan Road) - Variance from Article III (B)(4)

Mr. Stephens stated this was a continued hearing for the Jancic Family Revocable Trust 2011. 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 October 5th. There were no changes made to the draft decision or further discussion regarding the hearing.

Motion: Mr. Hopkins moved to approve the application for the **Jancic Family Revocable Trust (133-42)** 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 five (5) in favor (Stephens, Hopkins, Heal, Roseberry, Crowe), None (0) opposed and 0 abstentions.

2. Marceil Bradley (217-37)(18 Panther Path)
 Variance from Article III (B)(4)

Louis Marcello, agent for the applicant presented the application for variance. Ms. Bradley was present in the audience for the hearing. Mr. Marcello noted they were requesting a variance to construct a

sun deck with a portion of the deck (approximately 64 sq. ft.) within the required setback and stairs accessing the existing deck within the required setback.

Mr. Marcello briefly described the existing Lot, and the project. Mr. Marcello noted that prior to Ms. Bradley purchasing the property there was a deck in the approximate location of their proposal. He provided information from archives showing the previous deck. It was noted the deck had been gone for greater than one (1) year and had lost any grandfathering rights, therefore the need for the variance. Mr. Marcello stated the deck was originally the only access and egress to the second floor living area. He believes that without it, there is a safety concern and the deck would enhance the escape aspect of the home. Mr. Marcello presented the board with photos of the home, noting the location of the proposed deck and stairs. Also pointed out in the photo was an existing door on the second floor that currently cannot be used as it is a “door to nowhere.” Mr. Marcello answered any questions from the board.

Mr. Stephens asked if there were any questions from the public. Abutter Lou Bergeron, B & T NH Realty Trust, spoke in support of the request for the variance due to safety concerns and aesthetics.

The board went into deliberative session to discuss each of the criteria for granting the variance at 7:43 PM and came out at 7:45 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 approve the variance for **Marceil Bradley (217-37)** and to continue the Public Hearing to November 2, 2011, seconded by Mr. Crowe, passed by a vote of five (5) in favor (Stephens, Hopkins, Heal, Roseberry, Crowe), none (0) opposed.

VI. Correspondence

1) Mr. Stephens stated that the Board had amended the Draft Notice of Decision for the **Richard Raisanen Revocable Trust (168-18)** as discussed by the board at their meeting on October 5th. Mr. Hopkins had commented that it was a Notice of Decision (NoD) for denial and that number 11 should be amended, striking the word not from the sentence “would ~~not~~ be contrary”. Upon reviewing the NoD for signature, Mr. Stephens felt that the original wording was correct and requested the board insert the word “not” back into number 11. Board members reviewed the NoD and were in agreement that the wording as originally written was correct.

Motion: Mr. Hopkins moved to direct staff to amend the Notice of Decision as discussed, seconded by Mr. Crowe, passed by a vote of four (4) in favor (Stephens, Hopkins, Heal, Crowe), none (0) opposed, one (1) abstention (Roseberry).

2) Planning Board Draft Minutes of October 12th, 2011 were noted.

3) Board of Selectmen Draft Minutes of October 6th, 2011 were noted.

VII. Unfinished Business

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 7:52 PM, seconded by Mr. Hopkins, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant