

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

Regular Meeting

November 16, 2011

Minutes

Present: Members: Bob Stephens, Jerry Hopkins, Russell Nolin
 Alternates: Robert Zewski, Joseph Crowe; Town Planner, Bruce W. Woodruff
Excused: Members: Ray Heal, 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 Ms. Roseberry and Mr. Heal.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Zewski moved to approve the Zoning Board of Adjustment Minutes of November 2, 2011 as written, seconded by Mr. Crowe, carried unanimously.

IV. Hearings

1. Ronald McNulty (282-37)(20 Adams Shore Road)
 Variance from Article III (I)

Ronald McNulty presented his application for variance. Mr. McNulty briefly described the project, noting the structure was partially constructed. He is requesting a variance from the ordinance to allow the single structure (proposed residence) to exceed the overall height restriction of 32 feet, noting the requested average height to be 36' 5". Mr. McNulty stated due to error on part of his contractor, the structure does not meet the height restriction. Mr. McNulty stated that he was aware of such restriction and the changes made to the plans he had had prepared by an Architecture were a result of the contractor increasing the ceiling heights and not measuring from the highest point, which included a change in elevation of 4' 5" on the lake side.

Mr. Stephens questioned what was the height of the building supposed to be? Mr. McNulty stated it was designed to meet the height requirement or less.

Mr. Hopkins referred to the Code Enforcement Officers e-mail of November 16th, in which the CEO commented "I noticed that a floor had been added to the building during construction, adding about 8' to the height of the building...." Mr. Hopkins questions how many floors there were. Mr. McNulty stated a basement, two floors and one room above, which was supposed to be an attic, not living space, but could be used as a sitting room or storage. Board members reviewed photos provided with the application, noting there was a dormer on the lake side of the structure. It was noted the dormer was added in place of skylights to the room on the third level. Board members discussed this room, the dormer and the access to the room on the third level at length.

Mr. Woodruff stated he had been to the site with the Fire Chief to view the structure and lot. The Chief submitted his comments to the board, stating while he was opposed to allowing any increase in the height of buildings, this application differed from previous requests in that the structure was already erected. If the applicant/owner would be willing to install a Residential Fire Sprinkler Systems installed, in accordance with NFPA 13D Standards, he would not be opposed to the Board granting a variance.

Carol Austin, 8 Adams Shore Road noted her concerns with the illegal removal of three trees along the shorefront. It was noted the Code Enforcement Officer is aware of the violation and that there will be some form of remediation for the removal of the trees prior to the issuance of a Certificate of Occupancy for the property.

Mr. Woodruff referred to his Staff Memo, reading his comments into the record, with the recommendation the ZBA approved the Variance with the condition that the owner installs a Residential Fire Sprinkler Systems installed, in accordance with NFPA 13D Standards.

The board went into deliberative session to discuss each of the criteria for the granting of the variance at 7:46 PM and came out at 8:20 PM. Mr. Stephens asked if there were any additional questions from the applicant or the public, it was noted there were none.

Motion: Mr. Hopkins moved to continue the Public Hearing for **Ronald McNulty (282-37)** to December 7, 2011, and to direct staff to draft a Notice of Decision granting the variance with the following conditions: the installation of a Residential Fire Sprinkler System, in accordance with NFPA 13D Standards, with specifics, to be approved, in writing by the Fire Chief, no occupancy on the third floor, and the Notice of Decision to be recorded, by the Applicant, at the Carroll County Registry of Deeds, prior to the issuance of a Certificate of Occupancy, seconded by Mr. Zewski, passed by a vote of three (3) in favor (Stephens, Hopkins, Zewski), two (2) opposed (Nolin, Crowe).

VI. Correspondence

- 1) Planning Board Draft Minutes of November 9th, 2011 were noted.
- 2) Board of Selectmen Draft Minutes of November 3rd, 2011 were noted.

VII. Unfinished Business

VII. Adjournment

Motion: Mr. Hopkins made the motion to adjourn at 8:27 PM, seconded by Mr. Crowe, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant