

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

Regular Meeting

April 18, 2012

Minutes

Present: Members: Bob Stephens, Russ Nolin, Joseph Crowe, Robert Zewski, Ken Bickford
 Alternates: Jerry Hopkins, Natt King
Staff Present: Town Planner, Bruce W. Woodruff; Administrative Assistant, Bonnie Whitney

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.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Crowe moved to approve the Zoning Board of Adjustment Minutes of April 4, 2012, as written, seconded by Mr. Bickford, carried unanimously.

IV. Hearings

1. Continuation of Public Hearing - John Kosta (174-33)(181 Krainewood Drive)
 Variances from Article III, B (1, 3 & 4) and Article VII B (3)

Mr. Stephens stated this was a continued hearing for John Kosta. There was no one 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 April 4th. There were no changes made to the draft decision or further discussion regarding the hearing.

Motion: Mr. Bickford moved to approve the application for **John Kosta (174-33)** for variances, 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, Crowe, Bickford, Zewski), None (0) opposed and 0 abstentions.

2. Continuation of Public Hearing - Roger L. & Claire S. Holcombe (130-63)(26 Gansy Lane) Variance from Article III, B(4)

Mr. Stephens stated this was a continued hearing for Roger L. & Claire S. Holcombe. There was no one 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 April 4th. There were no changes made to the draft decision or further discussion regarding the hearing.

Motion: Mr. Bickford moved to approve the application for **Roger L. & Claire S. Holcombe (130-63)** 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. Crowe, passed by a vote of five (5) in favor (Stephens, Nolin, Crowe, Bickford, Zewski), None (0) opposed and 0 abstentions.

3. Continuation of Public Hearing - Verne L. & Elaine M. Richardson (44-30)(1110 Whittier Highway) Variance from Article VI, C (3)d

Mr. Stephens stated this was a continued hearing for Verne L. & Elaine M. Richardson. There was no one 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 April 4th. There were no changes made to the draft decision or further discussion regarding the hearing.

Motion: Mr. Zewski moved to approve the application for **Verne L. & Elaine M. Richardson (44-30)** 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. Nolin, passed by a vote of five (5) in favor (Stephens, Nolin, Crowe, Bickford, Zewski), None (0) opposed and 0 abstentions.

4. Continuation of Public Hearing - Verne L. & Elaine M. Richardson (44-30)(1110 Whittier Highway) Special Exception for Article VI, C(3)d

Mr. Stephens stated this was a continued hearing for Verne L. & Elaine M. Richardson. There was no one 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 April 4th. There were no changes made to the draft decision or further discussion regarding the hearing.

Motion: Mr. Bickford moved to approve the application for **Verne L. & Elaine M. Richardson (44-30)** 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. Zewski, passed by a vote of five (5) in favor (Stephens, Nolin, Crowe, Bickford, Zewski), None (0) opposed and 0 abstentions.

5. Poulin Benoit & Rolande Joint Rev Trust, Poulin Benoit & Rolande Trustees (223-60) (16 Camp Road) Variances from Article III, B (3) and Article VII B (3.3)

Mr. Stephens stated that this was an application for multiple variances. James Macleod, agent for the applicant presented the application for the variances.

Mr. Macleod briefly described the existing .39± acre lot and dwelling which was constructed in the early 60's. The proposal is to remove the attached 12' x 24' carport and construct a 16' x 24', two story addition with living space in its place.

Mr. Macleod stated the elevation of the additional floor will be the same height as the existing dwelling. The existing distance of the house and carport is 26.2' from the shoreline. He answered any questions from the board.

Mr. Stephens noted the sketch submitted with the application was a portion of a plan submitted for the NH DES shoreland permit, and that the plan depicted other proposed improvements to the property that include 12' x 16' deck and a 20' x 24' garage. He requested clarification and verification that they were not seeking relief for either the deck or the garage this evening. Mr. Macleod stated that was correct, those were projects further down the road. Mr. Stephens explained that if the applicant would like to build the garage or deck in the future they will be required to seek a variance for those as well, and that the board must look at the criteria in all instances, including the hardship. Noting the applicant currently has a carport for a vehicle. The applicant has received an approved permit from the NH DES, but it was noted that it did not include the requested 4' addition. The permit is approved to impact 3,315 sq. ft. for the construction of a 12' x 16' screen porch, convert existing carport into living space, construct a 2' x 24' detached garage, and modify existing driveway.

Mr. King questioned who had prepared the plan submitted, as there was no title block or surveyor information on the sketch. He felt that this was important and should be included on the plan. It was noted that this sketch submitted was only a portion of a full plan that was prepared by Ames Associates as part of the shoreland permit. Ms. Whitney stated that there were 8 ½ x 11 copies of sections of the plan in the folder, if laid out and pieced together, included the entire plan. Mr. Stephens commented that a survey was not required for an application for a variance on a residential property, noting that many applications only include hand drawn sketches.

Mr. Stephens questioned if Mr. Macleod wished to proceed forward with his application as presented, only taking into consideration the variance for the proposed 16' x 24' two story addition. Mr. Macleod stated yes. Mr. Hopkins asked Mr. Macleod to explain his argument for hardship. Mr. Macleod stated that Ms. Poulin is elderly, has difficulty with stairs, and that the addition will allow for living space and a bathroom on the first floor. Mr. King stated that he can see the board allowing the addition in the existing 12' x 24' footprint, but not allow the additional 4'. Mr. Stephens asked why they were requesting the additional 4'. Why not stay within the existing footprint? Mr. Macleod noting they are adding a bath and stairs and the additional 4' will allow for a little more space.

Mr. Stephens opened the hearing for public input. There was none noted.

Mr. Woodruff referred to his staff memo, which included his summary of the request, research, staff opinion and suggested language to be included if the board were to grant the variance request.

Mr. Stephens asked if there were any additional questions from the board at this time, it was noted there were none. The board went into deliberative session to discuss each of the criteria for granting the variance at 8:15 PM and came out of deliberative session at 8:20 PM. There was a question as to whether or not the board had addressed all parts of the hardship criteria. In an effort to make certain that all parts were addressed the board returned to deliberative session at 8:23 PM and came out at 8:24 PM.

There was no further input from the board or public.

Motion: Mr. Zewski moved to direct staff to draft a Notice of Decision to grant the variances for **Poulin, Benoit & Rolande Joint Rev Trust, Poulin, Benoit & Rolande Trustees (223-60)**, conditional upon the receipt of an amended Shoreland permit, and to continue the Public Hearing to May 2, 2012, seconded by Mr. Bickford, carried unanimously.

V. Correspondence

- 1) Planning Board Draft Minutes of April 11, 2012, were noted
- 2) Board of Selectmen Draft Minutes of April 5, 2012, were noted.

VI. Unfinished Business

1) Mr. Stephens noted the board had requested he seek the input of Town Counsel regarding his staff memo's which contain pertinent facts, zoning information, photos, and his opinion on the five criteria including a recommendation re: granting or denying. Board members questioned if this practice of the Planner was appropriate from a legal or challenge viewpoint for him to do this. Attorney Minkow replied and stated that it was his opinion that it is entirely appropriate for the Town Planner to submit an analysis and recommendations regarding pending applications. His opinion and recommendations should be given whatever weight the board deems appropriate. The board is not obligated to follow his recommendations, but should consider them as additional evidence. The ultimate decision whether to give weight to that advice is that of the individual board members.

2) Mr. Stephens noted the board had requested the Planner to draft procedure language for Alternate seating, Unseated Alternates and a procedure for public hearings. Mr. Woodruff had prepared draft language which was provided to the board. Members were asked to review the draft and forward their comments to the Town Planner only, by next Wednesday and not to reply or discuss this amongst board members. Mr. Woodruff will compile the comments and make a consensus of them, making any suggested changes for the next meeting.

3) Mr. Stephens reminded members of the NH Local Government Center "2012 Local Officials Workshop" being held on Tuesday, May 1st at the Moultonborough Public Safety Building. All members were encouraged to attend.

VII. Adjournment

Motion: Mr. Zewski made the motion to adjourn at 8:34 PM, seconded by Mr. Stephens carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant