

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

Regular Meeting

November 7, 2012

Minutes

Present: Members: Bob Stephens, Russ Nolin, Robert Zewski, Joseph Crowe
 Alternates: Jerry Hopkins, Natt King
Excused: Member: Ken Bickford
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. Mr. Stephens appointed Jerry Hopkins to sit on the board with full voting privileges in place of missing member Ken Bickford.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Nolin moved to approve the Zoning Board of Adjustment Minutes of October 17, 2012, as written, seconded by Mr. Zewski, carried unanimously.

IV. Hearings

Mr. Crowe recused himself from the Review and Approval of Notice of Decision for Westwood Shore Drive Realty Trust as he was not present at the hearing. Mr. Stephens seated Mr. King as a voting member.

1. Review and Approval of Notice of Decision for Westwood Shore Drive Realty Trust; Laurie & Douglas Whitley, Trustees (112-53)(111 Coe Point Road)
 Variance from Article III B(4)

The board reviewed the Draft Notice of Decision for the granting of a Variance from Article III, B(4) prepared by staff, as directed by the board at the hearing on October 17th.

Mr. Hopkins expressed his concerns that there was nothing contained in the Notice of Decision that directs an applicant to alternatives that might better serve them, or guidance as to what would be acceptable. During deliberations, some members had commented that there appeared to be options available to the applicant that may or may not have changed their vote on the request for variance. It was noted that applicants and/or their agents are encouraged to speak with the Planner for guidance prior to the submission of any application to the board.

There were no changes made to the draft or further discussion on the Notice of Decision.

Motion: Mr. King moved to approve the formal Notice of Decision as written, for the **Westwood Shored Drive Realty Trust (112-53)** and to authorize the Chairman

to sign the Notice of Decision and staff to mail said notice to the applicant or applicant's agent seconded by Mr. Zewski, passed by a vote of four (4) in favor (Stephens, Nolin, Zewski, King), one (1) opposed (Hopkins) and 0 abstentions.

Mr. Crowe returned with full voting privileges at this time.

2. Christopher & Christina Savage (44-32)(1088 Whittier Highway)
Special Exception Amendment – Article VI (C)&(E)

Mr. Stephens stated that this was a hearing for a request to amend a previously approved Special Exception.

Loralie Gerard of Gerard Land Surveying Co. presented the application for the applicants, Christopher & Christina Savage. Ms. Gerard briefly described the location and current development of the site. She stated they were requesting an amendment to change the approved use from a contractor's office, maintenance and detailing shop to a Micro Distillery. There are no proposed changes to the structures on the site, only the use within the two structures. The existing garage will be used for the distillery, an office and retail showroom. The existing log cabin home will be used as either a one (1) unit apartment or two (2) office rental units. Ms. Gerard answered any questions from the board.

Mr. Zewski questioned how far the building was set from the western property line. It was stated that it is 20.7'. It was noted the required setback for Commercial Zone C is 10'.

Board members questioned what the product produced was going to be, if the distillation was going to be done in "structure B", what method was used for distillation and what they were going to do with the by-product or mash. Mr. Savage stated they are starting with Rum and Vodka. The distillation was done by a steam powered wood boiler, a closed loop system and they have no storage for the mash. It is a by-product that will be removed from the site as needed. It was noted that this process is closely regulated by the TTB, Alcohol and Tobacco Tax and Trade Bureau, a division of the ATF, Bureau of Alcohol, Tobacco, Firearms and Explosives. It was noted that the approval the applicant is seeking from the TTB is capped at 5,000 cases per year, and a case is determined a six fifths per case.

Mr. Nolin asked if there were plans for any type of fire suppressant. Mr. Savage stated none. The system is steam powered by a wood boiler. Mr. Nolin noted his concerns as the product is volatile. The board discussed this briefly and it was noted that the Technical Review Committee (TRC) had met regarding this property and that the Fire Chief had not noted any concerns. It was noted if the board were to grant the special exception they could condition the approval on verification of a fire suppression system.

Mr. Hopkins questioned what the release was for the propulsion system and if there was any EPA concerns. Mr. Savage stated that there will be a flue for the boiler and there will not be any EPA concerns.

Mr. Stephens asked for input from the Planner. Mr. Woodruff reviewed his staff memo with the Board, noting that he supported the application for amendment and gave his reasons for his position.

Mr. Stephens opened the hearing for public input. There was none noted. Mr. Stephens closed the hearing for public input at this time.

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 special exception at 8:02 PM and came out of deliberative session at 8:10 PM.

There was no further input from the board or public. The voting members were Bob S., Russ, Bob Z., Joe and Natt.

Motion: Mr. Hopkins moved to grant the Special Exception, Article VI (C)&(E) for a micro distillery with one (1) office space and a retail showroom for Christopher and Christina Savage, Tax Map 44 Lot 32, rescind the prior special exception granted on September 20, 2006, close the public hearing and to direct staff to draft a formal Notice of Decision, for Board discussion only, based on the Finding of Facts during tonight's hearing, which will be reviewed for accuracy only, and signed by the Chair at the next scheduled meeting, seconded by Mr. Crowe.

Mr. Zewski moved that the motion be amended to include the following conditions: 1. That the Site plan submitted to the Planning Board includes a note stating that the micro distillery production not exceeds 5,000 cases annually. 2. That the applicant coordinate with the NHDOT on whether an amended driveway permit is required and submit any written answer to the Planning Board during the site plan review process. 3. That there shall be no parking in the Effluent Disposal Area. 4. That the Planning Board follows through with the Fire Chief on any necessary fire suppression system. Mr. Nolin seconded the amendment. Mr. Stephens stated that these four conditions will become part of the original motion. Mr. Hopkins and Mr. Crowe were in favor of the amendment made to their original motion and second.

Mr. Stephens called for a vote on the motion as amended: motion passed, five (5) in favor (Stephens, Nolin, Zewski, Hopkins, Crowe), and none (0) opposed.

Mr. Stephens noted the right to appeal in accordance with NH RSA 677:2 would begin tomorrow.

V. Correspondence

Mr. Stephens noted that Board members were provided with a copy of Town Counsel's Legal Opinion regarding the discussion of Article. VII (B)(3), Expansion of Non-Conforming Structure from 2010 that Mr. Nolin had requested at the prior meeting.

VI. Unfinished Business

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:16 PM, seconded by Mr. Zewski, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant