

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

Regular Meeting

May 1, 2013

Minutes

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

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Zewski moved to approve the Zoning Board of Adjustment Minutes of April 17, 2013, as written, seconded by Mr. King, carried unanimously with Mr. Stephens abstaining.

IV. Hearings

1. Nica-Lee Realty Trust (44-33)(1070 Whittier Highway)
 Special Exception from Article VI, C; Table of Uses

Mr. Stephens stated that this was an application for a special exception from Article VI, Paragraph C, Table of Permitted Uses to allow a tenant to operate a light welding and fabrication business in the middle unit of a multi-unit commercial building on the subject property.

Deb Morgan, Trustee, presented the application for special exception. She stated that she has a potential tenant for a vacant unit. David Forbes is interested in leasing the unit which would include light welding and fabrication.

Mr. Zewski asked who the current tenants were in the building. Ms. Morgan stated they are A-Plus Alarms, Ron Reppucci Electric and Randy Hilman, Oriental Rugs.

Mr. Hopkins questioned what the light manufacturing was. Ms. Morgan stated that Mr. Forbes likes to restore antique cars and golf carts. It is more of a hobby for him, but he will do things for a fee.

Ms. Morgan noted that she had met onsite with the Fire Chief. Mr. Woodruff noted that the Fire Chief will require that a fire alarm be added to the rental space and that fire extinguishers of the appropriate size and classification to the hazard will also be needed. Ms. Morgan stated that they will be installing heat sensors to the office in the next unit and fire extinguishers in all units.

Mr. Nolin questioned what type of weld Mr. Forbes will be using. Ms. Morgan did not know the answer to this, but noted that Mr. Forbes would be able to answer that if needed. Mr. Nolin asked what the square footage (volume) of the unpartitioned unit was. It was estimated to be about 30,000 SF. Mr. Nolin asked if they would be installing ventilation. He noted that the application states that activity will be done inside. He asked if this would prohibit Mr. Forbes from opening the doors for ventilation, or welding on a trailer of piece of equipment parked in the parking lot, or partially inside the building. If the board granted the request, it would be for inside and if they wish to expand on that use they would need to come back to the board for additional approvals.

Mr. Woodruff referred to his staff memo. Contained in his memo were the surrounding land uses, background on previous Land Use Board action and his reasoning for Staff Position. The Planner stated that he was in support of the special exception given the small size of the operation and the fact that there are no new structures proposed, additionally, the minimal nature of this assembly and fabrication use proposal fits in well with this area of the commercial zone. The proposed use is allowed in the zone by special exception.

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

Mr. Stephens asked if there were any additional questions from the board at this time, it was noted there were none. He stated that the board was going into deliberative session, which was to allow them to formulate opinions on the criteria. There will be no input from the applicant or the public at that time. It is for discussion time, opinion time, and no voting will take place during this time. The board went into deliberative session to discuss each of the criteria for the granting of the variance at 7:50 PM and came out at 7:53 PM.

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

Motion: Mr. King moved to approve the request for a Special Exception from Article VI, Paragraph C, Table of Uses, for **Nica-Lee Realty Trust, Tax Map 44 Lot 33**, with the following conditions: 1. That no welding or fabrication occurs outside the unit. 2. That the requirements of the Fire Chief for this use be adhered to and be attached to any building, mechanical or electrical permit issued by the Code Enforcement Officer, and to 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. Bickford, carried unanimously.

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

V. Correspondence

1. Review and possible authorization for the Chair to sign the formal Notice of Decision for the April 17th, 2013, granting of a variance for Tedeschi Food Shops (142-1) (268 Whittier Highway).

The board reviewed the Draft Notice of Decision prepared by staff, as directed by the board at the hearing on April 17th. There were no changes made to the draft.

Motion: Mr. King moved to direct the Chairman to sign the Notice of Decision as written, for **Tedeschi Food Shops, Tax Map 142 Lot 1** and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. Zewski.

Mr. Stephens noted that he was not there for the hearing and asked the Planner if he should recuse himself from the review of the Notice of Decision or abstain from voting. Mr. Woodruff commented that the board was voting on what took place at the hearing and stated the chairman should not vote as he was not present.

Mr. Stephens called for a vote on the motion on the floor which passed by a vote of four (4) in favor (Nolin, Zewski, Bickford, King), none (0) opposed and one (1) abstentions (Stephens).

2. Mr. Woodruff noted that he had provided the members with a draft variance criteria statement of reasons with guidance document that the Chair had asked him to prepare for their review and possible use. The Planner was seeking advice on how to improve the optional helper document. It was noted that this was only a guide work sheet to provoke ideas and was not mandatory. Members thought the guide would be helpful. One suggestion was to boil the document down. Mr. Woodruff will revise as requested.

3. Mr. Nolin commented that it would be helpful during hearings, such as the hearing this evening, to have any necessary representatives or in this case, tenants available to answer any questions of the board. Mr. Nolin asked if that information could be passed along to applicants for future reference.

VI. Unfinished Business

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:03 PM, seconded by Mr. King, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant