

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

Regular Meeting

December 4, 2013

Minutes

Present: Members: Bob Stephens, Russ Nolin, Joseph Crowe, Ken Bickford
 Alternate: Jerry Hopkins
Excused: Member: Robert Zewski
 Alternate: Natt King
Staff Present: 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 excused member Robert Zewski.

II. Pledge of Allegiance

III. Approval of Minutes

Mr. Nolin commented that after further consideration of the Harrington application in which the Board granted the setback variance he stated for the record that he was changing his vote to "opposed." There was a brief discussion as to how Mr. Nolin could change his vote at this time. Mr. Nolin stated that he has 30 days in which to reconsider his vote. Mr. Stephens stated that at this time the Board was approving the minutes of their November 20th meeting, which is a reflection of what took place that evening and that this was not the correct procedure or time to do so. It was noted for the record at this time that Mr. Nolin stated that he was changing his vote.

Motion: Mr. Hopkins moved to approve the Zoning Board of Adjustment Minutes of November 20, 2013, as written seconded by Mr. Crowe, carried unanimously.

IV. Hearings

1. Darcy S. Lauzier – Design Construction, Inc., for Sharon G. Sanford (278-1)(22 Captain's Walk)
 Variance from Article III B(3)

Mr. Stephens stated that this was an application for a variance to allow the construction of a new 95 sq. ft. addition to the right front and corner of the existing dwelling located 17 ft. from the sideline setback.

Present for the hearing this evening were Owners, Sharon and Robert Sanford; and Darcy Lauzier of Darcy Design Construction, Inc. Ms. Lauzier presented the application for a variance. She stated that she was a certified remodeler and a certified aging in place specialist. The proposal is to construct an addition to the existing home in which a portion of the addition will encroach 3 ft. into the sideline setback where 20 ft. is required. There is an existing exterior staircase in the setback and the addition will not extend beyond that. They looked at all possibilities, both interior and exterior and felt

that this was the most efficient design that met the minimal impact and cost effective for aging in place criteria. Ms. Lauzier briefly stated her goal for the owner is to be able to keep them in the home for as long as possible. She went on to say that the proposed addition would allow for this. She noted the abutter's provided a letter stating they had no objections to the proposed addition. They have received a Shoreland Permit by Notification and provided members with a copy of the permit. Ms. Lauzier referred to photos provided with the application describing the existing conditions and the proposed addition. Ms. Lauzier answered any questions from the board.

Mr. Hopkins suggested that Ms. Lauzier review each of the five criteria explaining how they feel they would comply.

Ms. Lauzier commented that it appears that they need to have a hardship to allow the variance. She stated that there is no other location that they could construct their proposal to the home without impacting the value of it, the way the home functions or which would be aesthetically pleasing to the neighbors. This has been designed for an aging in place addition and there is no other location. Mr. Bickford commented that he had been to the site and could see why they had chosen the location for the proposed addition.

Mr. Stephens clarified that Mr. Hopkins requested that Ms. Lauzier address each of the five criteria for the granting of the variance. Ms. Lauzier referred to the application she submitted, briefly reading each of her arguments as presented, emphasizing the aging population and that this was a universal design which would make this a livable home for a long time.

Mr. Crowe questioned why the extension went beyond the existing home, and Mr. Hopkins questioned what the hardship was. Ms. Lauzier commented there was no place elsewhere to put this. She spoke of design layout, both interior and exterior and the addition of a window which would allow for air flow and ventilation through the proposed remodeled master bath.

Mr. Stephens opened the hearing for public input. Owner, Robert Sanford stated that he had purchased his home 30+ years ago and was told at that time that the setbacks were 25 ft. He thought that they had no issues when they started this project and then they were informed the setbacks were in fact 20 ft. That is why they are before the board requesting the variance. The sideline in question and location of the existing structure to the setback was determined by Ames Associates.

Members reviewed the sketches showing the proposed addition extending approximately 3'-6" out from the existing structure, noting there was a 3'-6" area to the left of the proposed addition. They questioned why the addition could not be shifted over that amount and there would not be any encroachment on the setback. Ms. Lauzier gave her argument as to why this could not be shifted over due to airflow, ventilation, roof lines, and interior access to other areas of the home. Some of the members felt that there were other options. Mr. Stephens questioned if an on-site visit would be beneficial for members and made a motion to schedule an on-site. There was no second to the motion. It was the decision of the board to continue the hearing to their next meeting, allowing members the opportunity to view the site independently, not scheduling a formal site walk for the application submitted this evening as one member had been to the site and two did not feel that they would gather any additional information from a site walk.

Motion: Mr. Bickford moved to table the application for Darcy S. Lauzier – Design Construction, Inc., for Sharon G. Sanford (278-1) and to continue the public hearing until December 18, 2013, seconded by Mr. Stephens, carried unanimously.

V. Correspondence

1. Review and possible authorization for the Chair to sign the formal Notice of Decision for the November 20th, 2013, granting of a variance for K.A. Clason – Fine Woodworking Corp., for David & Ann Harrington, TM 194 Lot 39.

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the hearing on November 20th. Mr. Stephens noted a memo from Alternate King stating that for consistency he was requesting that “a majority of” be inserted prior to the word Board in the second paragraph and in the facts of findings in numbers 10 and 14. Members briefly discussed this request, noting that in order for something to be a Finding of Fact, it would have to be a majority of the board. They did not feel that it was necessary to add that language to the Notice of Decision. Mr. Bickford stated that as he was not present at the hearing on the 20th, and that he would abstain from voting. This would be reflected in the minutes.

Motion: Mr. Hopkins moved to direct the Chairman to sign the Notice of Decision as amended, for **K.A. Clason – Fine Woodworking Corp., for David & Ann Harrington, Tax Map 194 Lot 39** and staff to mail said notice to the applicant or applicant’s agent, seconded by Mr. Crowe.

2. Mr. Stephens noted that Board members had previously been provided with a ZBA Policy Draft prepared by Mr. Woodruff for review and possible discussion. Mr. Stephens stated that both Mr. Woodruff and elected board member Bob Zewski were not present this evening and that they were not going to act on this this evening. This item will be tabled until such time that all elected members and Mr. Woodruff can be present for review and discussion of the draft policies.

3. Mr. Nolin noted his concerns regarding site walks. He feels uncomfortable going to properties unannounced. It was noted that as part of the application process applicants sign an Authority for Inspection or Examination of Land authorizing ZBA members to enter upon the property. Mr. Nolin acknowledged that, but noted that it still went against his grain for the board to do so.

VI. Unfinished Business

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:31 PM, seconded by Mr. Crowe, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant