

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

Regular Meeting

December 18, 2013

Minutes

Present: Members: Bob Stephens, Russ Nolin, Joseph Crowe, Robert Zewski, Ken Bickford
 Alternate: Jerry Hopkins
Excused: 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.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Crowe moved to approve the Zoning Board of Adjustment Minutes of December 4, 2013, as written seconded by Mr. Bickford, 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 a continued hearing for a variance. The hearing had been continued to allow members the opportunity to view the site independently.

Present for the hearing this evening was Darcy Lauzier of Darcy Design Construction, Inc. Ms. Lauzier stated that this was a request for relief from Article III, B(3) pertaining to the 20 ft. required setback. She briefly recapped what had taken place at the prior hearing on December 4th. Ms. Lauzier noted that at the prior meeting members had asked her to address the criteria relating to hardship. There is not a hardship, but merely an appropriate interior layout that made them go towards the proposed layout with regards to the existing home, which clearly would degrade the value of the property, and not having an opportunity to see the interior of the property is where she comes in as the designer. The board looks at the exterior and asks whether it’s a reasonable request, without a biased opinion. She understands that the job as Board Members is to uphold the zoning ordinance, but noted that it needed to be in the most unbiased, sympathetic, reasonable judgment. With that said, she noted she was anxious to hear what redesign members may have once they had more than one member seeing the property. Ms. Lauzier commented that there was a question raised regarding moving the proposed addition 3’ 6” to the left, but that without knowing the interior of the structure that design would not work. She noted with that suggestion you would lose some of the integrity of the architecture that is there, which would be detrimental to home owner next door.

Mr. Stephens commented that the board does not redesign things. He stated that while he may express an opinion that he may have as a result of his background, or how he might suggest to another customer of his as to how he might do something. He is very sensitive to architectural appearance and he understands that.

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

Mr. Stephens noted that the Town Planner wasn't able to be here this evening due to a conflict, and read into the record information and staff opinion prepared by Mr. Woodruff in his Staff Memo for the proposed project, including his reason for such opinion.

Ms. Lauzier replied that based on his opinion it would be more of the interior, again looking at what is affected on the inside of the home. She felt the board was at a disadvantage as she designs from inside to out. If the proposed addition were shifted it would affect the hall and access to other rooms, and from the outside it would be detrimental to the architecture as well. She noted the abutter is in favor of the granting of the variance.

Mr. Zewski commented that he was not present at the prior hearing but that he had reviewed the material provided and was comfortable with proceeding as a voting member this evening.

Mr. Stephens asked if there were any additional questions from the board at this time, it was noted there were none. He closed the public hearing and the board went into deliberative session to discuss each of the criteria for the granting of the variance at 7:43 PM and came out of deliberative session at 8:08 PM.

Ms. Lauzier made a comment regarding setting precedent, noting at this point, this home is pretty much the only one that hasn't been torn down and replaced. Mr. Stephens noted as a board they traditionally don't perceive things as setting a precedent. They look at every application unique for its set of circumstances. The land that this structure sits on is different than the land next door that that structure sits on. Different set of constraints and requirements, etcetera, etcetera.

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

Motion: Mr. Crowe moved to deny the request for a variance from Article III, B(3) for the application submitted by Darcy S. Lauzier – Design Construction, Inc., for Sharon G. Sanford (278-1), 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. Zewski, motion passed unanimously, five (5) in favor (Stephens, Nolin, Crowe, Zewski, Bickford) and none (0) opposed.

Mr. Stephens noted the right to file a motion for rehearing in accordance with NH RSA 677:2 would begin tomorrow.

V. Correspondence

1) Mr. Stephens noted the board was in receipt of a Motion for Rehearing relating to the November 6th, 2013 denial of an Equitable Waiver of Dimensional Requirements for Richard Madison, Tax Map 99, Lot 196, 15 Myrtle Drive, received December 5, 2013, filed by his Attorneys, Nungesser & Hill, Douglas P Hill.

Board members reviewed and discussed the request for Rehearing, and based on their discussion, found that there were no procedural errors made by the Board and that there was no indication in the submittal that new evidence exists that they did not hear during the adjudication of the appeal, therefore denying the request for rehearing.

Motion: Mr. Bickford moved to deny the request for rehearing as requested in the Motion for Rehearing for Richard Madison, Tax Map 99, Lot 196, seconded by Mr. Nolin, carried in favor 4 to 1, with Mr. Stephens opposing.

2. Mr. Nolin noted that the members had previously tabled the discussion for review and possible approval of the ZBA Policy Draft which was prepared by Mr. Woodruff. Mr. Stephens commented that unfortunately Mr. Woodruff was not present this evening and that they were not going to act on this this evening. This item was tabled again until such time that all elected members and Mr. Woodruff can be present for review and discussion of the draft policies.

VI. Unfinished Business

VII. Adjournment

Motion: Mr. Nolin made the motion to adjourn at 8:36 PM, seconded by Mr. Zewski, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant