

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

Regular Meeting

January 15, 2014

Minutes

Present: Members: Bob Stephens, Russ Nolin, Joseph Crowe, Ken Bickford
 Alternate: Jerry Hopkins (arrived at 8:00 PM)
Excused: Member: Bob Zewski
 Alternate: 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. Nolin moved to approve the Zoning Board of Adjustment Minutes of December 18, 2013, as amended, seconded by Mr. Crowe, carried unanimously.

IV. Hearings

1. Douglas R. Scott and Alison W. Scott, Trustees of the Alison W. Scott Trust (188-23)(104 Wyman Trail) Variance from Article III.B(4)

Mr. Stephens noted for the record that there were only four members seated this evening and that applicants are entitled to a full board of five members. If the applicant or their agent is willing to proceed with a board of four, they then forfeit their right to request a rehearing on a basis of a board of four. Mr. Stephens noted that the applicant may request a continuance to the next available date. Attorney Christopher Boldt, representing the applicants, stated that they would proceed with a board of four.

Christopher Boldt, Esq. presented the application for variance. His presentation included a power point presentation which included an excerpt of Tax Map 188 with the Shoreland Zone overlay; an Existing Conditions Plan prepared by Ames Associates; a Proposed Design Plan prepared by Ames Associates; and a Septic Design Plan prepared by Ames Associates. Attorney Boldt described the existing property, location and existing improvements on the site. He stated the existing house is located 14.6 feet at its closest point to the Lake, within the 50 foot setback, with 1520 sq. ft. of impact within that zone. There is an existing garage on the site. The existing impervious coverage on the Property totals 8.8%. Mr. Boldt went onto explain that there was only one area where the septic system could be placed to meet the applicable regulations of the DES and the Town. A second location was shown on the plan but it is too small to comply with DES and Town regulations and would require more trees to be removed during the construction process than the approved location. The applicant has received Permit #CA2013116028 for the septic system approved by DES. The proposal is to remove the existing single story, 3 bedroom dwelling and reconstruct a two story, 4 bedroom dwelling. The applicant has received a DES approved Shoreland Impact Permit #2013-02970 for the proposed project. This approval is subject to have a drip

line trench to address storm water run-off issues. Mr. Boldt stated that after the installation of the Proposed Residence, septic system and driveway, the Property will have 17.8% impervious coverage which complies with the Town's Zoning Ordinance which allows for 20%. Mr. Boldt stated in his presentation that there was a significant mold issue in the existing structure which prohibits Mrs. Scott from accessing the home due to her allergies.

Mr. Boldt next addressed each of the five criteria for the granting of a variance as contained in his narrative and then answered any questions from the board.

Mr. Woodruff addressed the board briefly, referring to his staff memo of January 14th, 2014. He stated that he had taken a neutral stance on this request with a regard to any opinion mainly because the plans and the application are top notch. He noted one issue that should be investigated a bit further was whether a reasonably sized new structure could be located in the building envelope that meets all the other standards. If this proves not to be the case, he felt the case has substantial merit and agree with the justification narrative for the five criteria. If the board were to grant the variance request, he suggested that a condition be placed on the variance that "Note #7 on the plan be amended to mirror what are in the Towns Zoning Ordinance under Article IV.G(1) referencing cutting trees or saplings.

Mr. Hopkins arrived at this time and Mr. Stephens appointed him to sit on the board with full voting privileges in place of excused member Robert Zewski. Mr. Stephens asked if Mr. Hopkins had had the opportunity to review the material provided with the application, and if he felt comfortable being seated as a voting member on the hearing. Mr. Hopkins stated that he had reviewed the material and was comfortable with proceeding as a voting member for this hearing.

Mr. Stephens asked if there were any questions from the board. Mr. Bickford asked for clarification of the number of bedrooms for the proposed dwelling, noting that Mr. Boldt had testified that there was to be 4 bedrooms, and the supporting documents (Septic Design Plan and DES Approval for Construction; CA2013116028) is for 3 bedrooms. Mr. Boldt stated that it is a 4 (four) bedroom. A discussion ensued regarding the number of bedrooms, with the question being raised if the board was approving the number of bedrooms or the footprint. After further discussion it was suggested that a condition could be placed on the variance that the number of bedrooms would be predicated on any state approved septic system. Therefore if the applicant was able to amend their septic approval from a 3 bedroom to a 4 bedroom it would not be necessary for them to return to the ZBA. The change would then become an administrative function through the Planner and the Code Enforcement Officer.

Mr. Nolin questioned if the existing structure was on piers and what the new structure would be. It was stated yes, the existing is on piers and the proposed will have a crawl space.

Mr. Bickford asked what the proposed Stormwater management was. Nicol Roseberry, NH CSW-236 of Ames Associates explained the Stormwater management as noted on the Proposed Conditions Plan.

Mr. Stephens opened the hearing for public input. Sal Perra, 98 Wyman Trail, and Richard Grossman, 112 Wyman Trail both spoke in favor of the granting of the variance.

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 8:21 PM and came out of deliberative session at 8:30 PM.

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

Motion: Mr. Bickford moved to grant the request for a variance from Article III.B(4) for Douglas R. Scott and Alison W. Scott, Trustees of the Alison W. Scott Trust, Tax Map 188, Lot 23, subject to the following conditions: 1) The required Shore Land Permit be submitted at time of Building permit application to the Code Enforcement Officer; 2) Note #7, paragraph 3 on the Proposed Conditions Plan be amended to comply with the Town's Shoreland Water Quality Ordinance with regard to removing dead, hazardous or diseased tree; and that the approval is based on the number of bedrooms to be limited by the number of bedrooms on the NHDES septic approval, and further, 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. Crowe, carried unanimously.

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

2. Robert L. Waldron Revocable Trust, Robert Waldron, Trustee (132-013/001)(Toltec Point Road) Variance from Article III (I)

Mr. Stephens noted that they were in receipt of an email from Nicol Roseberry, agent for the applicant requesting a continuance to February 5, 2014, as it was her understanding that there would not be a full five member board to act on the application this evening.

Motion: Mr. Nolin moved to table the application of Robert L. Waldron Revocable Trust, Robert Waldron, Trustee (132-013/001) and to continue the public hearing until February 5, 2014, seconded by Mr. Stephens, carried unanimously.

V. Correspondence

1. Mr. Stephens noted that the Board was in receipt of a Letter of Resignation from Natt King. Mr. Stephens read Mr. King's January 10th letter into the record. With deep regrets, the board accepted Mr. King's resignation from the board, noting their appreciation and gratitude. Members requested that the Planner craft a letter of appreciation to Mr. King for his service, to be signed at the next meeting.

Motion: Mr. Crowe moved that the board regretfully accept the resignation of R. Natt King as an alternate member of the Zoning Board, seconded by Mr. Bickford, carried unanimously.

VI. Unfinished Business

1. Review and possible authorization for the Chair to sign the formal Notice of Decision for the December 18th, 2013, denial of a variance application submitted by Darcy S. Lauzier – Design Construction, Inc., for Sharon G. Sanford (278-1)(22 Captains Walk).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the hearing on December 18th. There were no changes made to the draft.

Motion: Mr. Bickford moved to direct the Chairman to sign the Notice of Decision as written, for Sharon G. Sanford, Tax Map 278 Lot 1 and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. Crowe, carried unanimously.

2. Members briefly discussed the need for alternate members for the ZBA. It was noted that individuals have expressed interest in serving on the board. Mr. Stephens had explained the proper procedure, starting with the interested party sending a letter to the board, expressing their interest to serve, noting any qualifications and the board will review and act upon any such requests.

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:45 PM, seconded by Mr. Crowe, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant