

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

Regular Meeting

April 2, 2014

Minutes

Present: Members: Bob Stephens, Russ Nolin, Joseph Crowe, Ken Bickford
 Alternate: Jerry Hopkins, Nick DeMeo
Excused: Member: Bob Zewski
 Alternates: Paul Onthank, Richard Jenny
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 excused member Bob Zewski.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Crowe moved to approve the Zoning Board of Adjustment Minutes of March 19, 2014, as amended, seconded by Mr. Bickford, carried unanimously.

IV. Hearings

1. Moultonborough Real Estate Trust & Melinda H. Bradley (207-4)(12 Tennis Lane)
 Variance from Article III. B (3)

Mr. Stephens stated that this was an application for a variance for relief from Article III. B (3) for the placement of a 12 ft. x 16 ft. garden shed to be placed fifteen (15') from the side line.

Mr. Stephen Bradley and Mrs. Melinda Bradley were present this evening for the hearing. Mr. Bradley briefly described the property, noting that the request for the variance is to construct a shed for the storage of golf carts. He stated that the occupant of the home was his 86 year old father-in-law. He currently keeps his golf cart in a garage located beneath the home. Mr. Bradley stated that he has spoken with his neighbors, who are fine with the proposed location. Mr. Bradley answered any questions from the board.

Mr. Woodruff referred to his staff memo of March 28th, suggesting that the Board investigate whether the accessory structure could be located somewhere else within the building envelope that would not encroach on the setback requirements as the parcel is greater than 10 acres. He referred to the NH OEP Board of Adjustment Handbook, noting the Board could ask the appropriate questions regarding the physical abilities of the occupant of the home, specifically relating to RSA 674:33,V.

Members questioned if Mr. Bradley's father-in-law had a recognized physical disability. Mr. Bradley stated that his father-in-law is not disabled, that he is elderly, 86 years old. He went on to say that there are other homes with garages throughout Bald Peak that are closer than 20 ft. from the property

lines. He stated that there is a natural vegetative buffer along the property line where the proposed location of the shed is, and that the neighbors have no objections to the project.

Mr. Hopkins noted that they had a large lot and questioned if they were limited to where they could place the shed. Mr. Bradley stated that there were other locations they could place the shed, but the purpose of selecting that location was for easier access to the golf cart. The cart is currently stored in the garage, lower level of the home. If they were to place the shed behind the house you would be making the distance greater to reach the golf cart.

Mr. Woodruff suggested that members review RSA 674:33,V, which states: *“Notwithstanding subparagraph I(b), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, (a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance. (b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.”* Noting they may place a condition on the variance if they so choose.

Mr. Stephens opened the hearing for public input, noting 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 closed the public hearing and the board went into deliberative session to discuss each of the criteria for the granting of the variance at 7:53 PM and came out of deliberative session at 8:04 PM.

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

Motion: Mr. Crowe moved to grant the request for a variance from Article III.B(3) for the Moultonborough Real Estate Trust & Melinda H. Bradley, Tax Map 207 Lot 4, subject to the following conditions: 1) That should the necessary structure ever cease use as a golf cart storage, that it shall not be used as a bunk house; 2) That the Notice of Decision shall be recorded in the Registry of Deeds, tied to the property, 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. Bickford, motion passed, five (5) in favor (Stephens, Nolin, Crowe, Bickford, Hopkins) and none (0) opposed.

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

V. Correspondence

VI. Unfinished Business

1. Review and possible authorization for the Chair to sign the formal Notice of Decision for the March 19th, 2014 denial of a variance for James R. Labrie and Eugene R. Labrie (254-10)(98 Beede Road).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the hearing on March 19th. 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 James R. Labrie and Eugene R. Labrie, Tax Map 254 Lot 10 and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. Hopkins, carried unanimously.

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:10 PM, seconded by Mr. Hopkins, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant