

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

Regular Meeting

May 21, 2014

Minutes

Present: Members: Bob Stephens, Russ Nolin, Bob Zewski, Ken Bickford, Joe Crowe
 Alternates: Jerry Hopkins, Paul Onthank, Richard Jenny, Nick DeMeo
Excused: Member:
 Alternate:
Staff Present: Town Planner, Bruce W. Woodruff; Office Secretary, Alison G. Kepple

I. Call to Order

Mr. Stephens called the meeting to order at 7:00 PM. Mr. Stephens noted that all five regular elected members and all four alternates were present. The purpose of this portion of the meeting is to review, discuss and hopefully approve the 2014 Bylaws and Policies document for the Board. Members reviewed the draft prepared by the Development Services Office. There was discussion on article VIII and IX. The Board decided by consensus to remove the suggested language regarding alternates. Members were concerned about setting a legal precedent by changing this at this time. It was noted that the existing language in article VI. 6. Supports leaving the language in VIII. As is. It was suggested that a copy of these bylaws be given out to applicants as part of the application package or procedure.

The suggested additions to the Policy regarding joint meetings, including adding language to article XV, motions for rehearing, clarifying the time period to consider said motions and the added language regarding joint meetings were approved by consensus. The Board then agreed that the alternate's policy page at the end of the document was outdated and should be eliminated.

Chair Bob Stephens moved to approve the Policy document as revised tonight. Russ Nolin seconded. Vote U/A. The Planner will make the changes to the draft and print out a final document for the Board members to sign at the next meeting.

The meeting was recessed at 7:26 pm, with the public hearing on applications for the evening beginning at 7:30pm.

Mr. Stephens called the meeting to order at 7:30 PM and introduced the members of the board to the public. Mr. Stephens stated for the recorded that there was a full elected board.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Zewski moved to approve the Zoning Board of Adjustment Minutes of May 7, 2014, as written, seconded by Mr. Bickford, carried unanimously with Mr. Crowe abstaining.

IV. Hearings

1. Judith & Robert Trautwein (160-5)(8 Garwood Lane)
Variance from Article III.B (4)

Mr. Stephens stated that this first variance request is for Article III.B(4) is to construct a residence with 50' of a perennial stream.

Nicol Roseberry with Ames Associations in Meredith is representing the Trautwein's. She presented a letter of support to the board from an abutter Mr. Burns who abuts the property to the south. Ms. Roseberry stated that the property is located at the intersection of Garwood Land and Clark's Landing which terminates down to Lake Winnepesaukee. There is also a cemetery located at the central south portion of the property. The existing two residences, one that is located south 9.2' from the Burn's property line but also 34.1' from the shoreline. The second residence is 8.1' from the side property line and 2.4' from the stream. There is an existing driveway access from Clarks Landing. There is a 25' setback from the cemetery and a 50' setback from the stream. Ms. Roseberry gave a brief overview of the history of the house and the family that purchased this property back in the 1980's. The applicant saw that they might have a need at some time to rebuild and they thought they had plenty of room so they went to Ames Associates to do an existing conditions plan was so that they could see what their options where for rebuilding the structures. Ms. Roseberry stated that the applicant had been talking to builders about possible repairs and the builds to the Trautwein's that it is time for the buildings to be redone. There is currently 13% lot coverage. The proposed residence meets all the setbacks to each of the property line setbacks, the shoreland setback, and because of the location of the stream setback they are asking to be within that 50' stream setback. The closest corner of the proposed residence is at 3.5' which is slightly better than the existing 2.4'. The proposed one car garage would be 9.5' from the stream. Ms. Roseberry states that by doing this it improves all setbacks and only slightly improves the stream setback. The existing shed and outhouse that are located within the setback to the cemetery would be removed as well as the driveway that will be discontinued and re-vegetated. It will be revegetated with lawn in case it would help with fire safety for emergency vehicles. They do not have a septic system design yet but they do know that the location will be available and that the Town would be the first step in understanding what they might be able to do.

Mr. Nolin asked if the septic system location was part of the parcel. Ms. Roseberry stated that it is part of the parcel.

Ms. Roseberry asked if there were any questions so far. Mr. Stephens stated that he went out to the property today and said that looking at the back corner of the proposed residence that there is quite a drop off there and for all intense purposes were not talking about water coming in contact with the building or anywhere near the building.

Ms. Roseberry replied that was correct, that the stream is approximately 6' below the house. She also stated that there was quit a gully there and that there is not an associated wetland with it. At the closest point it would be approximately 4'.

Mr. Stephens asked Mr. Woodruff he would like to say anything at this time. Mr. Woodruff stated that the applicant's property is a lot of record and was created and built upon prior to Zoning being in town. He stated the ordinance is specific in that it does call for a 50' setback from all water bodies including streams and ponds. He suggested that it may be a little overbearing in this case and that the case that we are dealing with here regardless of whether the board grant this variance or not the manmade disturbance is already there about 2.5' feet from the edge of the stream including the driveway and the building. Mr. Woodruff feels it is important to note that in this case. Mr. Woodruff stated that given this unique case getting one residential structure to meet the 50' shorefront requirement to Lake Winnepesaukee is probably the most important thing. Mr. Woodruff also stated that the required shoreland permit be submitted to the Development Service Office at the time that the building department

application and that the owner submit or produce a foundation certificate from a licensed NH Surveyor at the time of submitting the building permit application.

Mr. Stephens asked if any board member had any questions. Mr. Nolin stated that he would like to go down and take a look at the property.

Mr. Crowe asked if the existing two residences would be removed. Ms. Roseberry stated that yes they are.

Mr. Nolin asked if the current building are on full foundations and Ms. Roseberry stated that she believes so but would have to look at the tax card to be sure.

Mr. Jenny asked why this could just be a single family dwelling, one on a smaller size. Ms. Roseberry stated that the Trautwein's felt that this is what is in keeping with their needs and that this is the footprint that they arrived at.

Mr. Stephens asked if anyone in the audience had any questions. Mr. Jim Burns identified himself as an abutter to the Trautwein's. He stated that the Trautwein's have been wonderful neighbors and that he is in favor of the board approving the Trautwein's requests.

Mr. Stephens asked if there were any other questions from the board.

Motion: Mr. Nolin moved that the board conduct an on-site visit for Judith & Robert Trautwein, Tax Map 160, Lot 5(8 Garwood Lane) on Wednesday, June 4, 2014 at 5:30 p.m. and continue the public hearing until June 4, 2014, seconded by Mr. Bickford, carried unanimously.

2. Judith & Robert Trautwein(160-5)(8 Garwood Lane)
Variance from Article III.A

Mr. Stephens stated that this variance request is for Article III.A which deals with the second dwelling unit for Robert & Judith Trautwein.

Nicol Roseberry with Ames Associations in Meredith is representing the Trautwein's. She stated that when the Trautwein's purchased this property that the purpose is to keep it in the family and be able to have privacy in the time when they are not altogether. The Trautwein's desire is to retire here and have room at the other end of the house for bedrooms and a kitchenette that would be supplemental to the main residence where they would have a kitchen.

Mr. Stephens stated that what Ms. Roseberry is suggesting is that the applicant wants to combine the family compound into a single structure housing family compound. Ms. Roseberry stated that was correct.

Mr. Bickford asked if there are currently two kitchens on site. Ms. Roseberry stated that was correct.

Mr. Nolin asked if the new structure will be one floor or two. Ms. Roseberry stated that based on her assumption that part of the building would be two floors.

Mr. Nolin asked if the interior would be like a duplex or an open space in between. Ms. Roseberry stated that there would be an entry access into a common area, with the main residence to the north and the guest residence to the south.

Mr. Woodruff read his recommendations that the variance have a condition that one of the kitchens be removed should the property be sold to a private buyer (non-family) and that the Notice of Decision to that effect be recorded and cross-referenced to the property deed, further, that the septic approval be submitted prior to the owner applying for demolition permits for the two existing dwelling structures.

Mr. Stephens asked if anyone else had any questions about this application. There being none, he asked if the board felt that this application should be withheld pending the site visit or are they in the positive to act on this particular application this evening.

Motion: Mr. Crowe moved to continue the public hearing for Judith & Robert Trautwein, Tax Map 160, Lot 5(8 Garwood Lane) Article III.A to June 4, 2014, after the site walk as defined in the previous application motion, seconded by Mr. Zewski, carried unanimously.

3. Judith & Robert Trautwein (160-5)(8 Garwood Lane)
Special Exception from Article VI.E

Mr. Stephens stated that this is the third hearing tonight and which is an application for a special exception from Judith & Robert Trautwein (160-5)(8 Garwood Lane). It is a special exception from the requirements of Article III.B(6) which is proposed construction of a stairway over the bank to provide access to the waterfront.

Nicol Roseberry with Ames Associations in Meredith is representing the Trautwein's. She stated that on the existing property there are a set of existing stairs built into the bank, they are narrow, they need to be repaired and or replaced. The current stairs interrupt the new structure and they propose a set of stairs over the bank to provide usable and safe access down to the dock and the beach area. Because of the slope of the lot this would be provide safe foot traffic up over that bank.

Mr. Stephens stated to the board that they will note when the go out for the site walk on the property that the existing stairs are stones stuck into the bank to create a stairway down to the lake.

Mr. Stephens asked if there were any other questions.

Mr. Woodruff stated that this is a special exception application and the applicant needs to prove to the board that they meet certain criteria. If you find that they don't meet the criteria the board should deny it. Should the board grant the special exception; that the special exception should have a condition that any required shoreland and wetland permits be submitted to the Development Services Office at the time of Building Permit Application.

Motion: Mr. Crowe moved continue the public hearing until June 4, 2014 for Judith & Robert Trautwein, Tax Map 160, Lot 5(8 Garwood Lane) to June 4, 2014, after the site walk as defined in the first application motion seconded by Mr. Nolin, carried unanimously.

V. Correspondence

VI. Unfinished Business

1. Review and possible authorization for the Chair to sign the formal Notice of Decision for the May 7th, 2014 denial of a variance for Zarembo Program Development, LLC on behalf of Dollar General (52-18)(929 Whittier Highway).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the hearing on May 7th. There being no changes made to the draft.

Motion: Mr. Hopkins moved to direct the Chairman to sign the Notice of Decision as written, for Zaremba Program Development, LLC on behalf of Dollar General (52-18)(929 Whittier Highway) and staff to mail said notice to the applicant or Applicant's agent, seconded by Nr. Nolin, carried unanimously with Mr. Crowe abstaining.

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:20 PM, seconded by Mr. Hopkins, carried unanimously.

Respectfully Submitted,
Alison G. Kepple
Office Secretary