

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

Regular Meeting

August 6, 2014

Minutes

Present: Members: Bob Stephens, Russ Nolin, Joe Crowe
 Alternates: Jerry Hopkins, Nick DeMeo, Richard Jenny
Excused: Member: Bob Zewski, Ken Bickford
 Alternate: Paul Onthank
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 Richard Jenny and Jerry Hopkins to sit on the Board with full voting privileges in place of members Bob Zewski and Ken Bickford.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Hopkins moved to approve the Zoning Board of Adjustment Minutes of July 16, 2014 as written, seconded by Mr. Crowe, carried unanimously.

IV. Hearings

1. Continuation of Public Hearing for Ed Batchelder (140-2) (144 Bean Road)
 Variance from Article III. B. (1)

Mr. Stephens stated that this was an application for a variance for Ed Batchelder and that he would be stepping down from the Board for this hearing. Mr. Nolin assumed the role of Chairman for the hearing and started with seating Nick DeMeo in place of Mr. Stephens with full voting privileges.

Ed Batchelder presented his application for variance to construct the porch on the home. The home was built in the 1800's and the barn was built in the 1900's. He stated if you go back through the paperwork on the property you can see that it had a full porch around the whole thing. He originally had asked about building the porch and was under the understanding that the setback was 20', and thought that was from the edge of the road. He went from the distance from the end of the porch to the edge of the road and found out the ROW line went in further. He is requesting a variance for 3' to add the porch back to what it was years ago.

Members questioned if there was a porch there now. Mr. Batchelder stated that he started building it because he thought he was okay and then he was informed that he wasn't okay so he stopped. So now it is just sitting in limbo and has been about four months.

Members had questions relating to the width of the porch, if there was an existing porch that was torn down and if there was a means of egress out of the house onto the porch. Mr. Batchelder stated that he started constructing the porch 8' in width, then found out the setback was 25' from the edge of the

ROW, so he cut it back to 6' and then was told by the Code Enforcement Officer that it still did not meet the setback. There was no porch on the house when he bought it and there is a door on the front of the house that will egress onto the porch. Mr. Batchelder commented that he is not trying to have a large porch or deck; he is only trying to put it back to what it originally was years ago. Mr. Jenny questioned the distance or intrusion into the setback that the applicant was seeking relief from. Without a survey how can you grant a variance for an unknown amount? Mr. Batchelder commented that he is just looking for a variance for a 6' porch. He is trying to put an existing porch on an old farmhouse.

Mr. Woodruff, Town Planner, referred to his staff memo making a few statements regarding this case to the Board. 1) There is a copy of a 1975 subdivision plan in their packet that shows the original porch, and in scaling the drawing he noted that it appears that the original porch appeared to have been 6' and appears to be approximately 15' from the front property line. 2) When looking at the 1975 plan it lays out the actual travelled way at that time and the stone wall and front property line. The travelled way meanders back in forth in the ROW and that may have led to some confusion. 3) When you look at the aerial photograph of the neighboring properties in their relationship to the front property lines, the front porch structures, you should not that one property is approximately 13' front the ROW and a second is approximately 16'.

Mr. Nolin opened the hearing for public input. Mary Helen Stephens, 152 Bean Road commented that she had no problem with the idea of the porch but noted her concerns with the diminution of value of their property in regards to the poor quality of construction of this existing porch.

Mr. Jenny raised his concern again of the distance the board is asking to grant relief from. The Board discussed this noting that if they were to grant the variance they could place a condition on the approval that the porch be not greater than 6' attached to the front of the dwelling in the ROW setback.

Mr. Nolin 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 7:59 PM and came out of deliberative session at 8:12 PM.

There was no further input from the Board or public. The voting members were Russ, Joe, Nick, Jerry and Richard.

Motion: Mr. Crowe moved to grant the request for a variance from Article III (B)(1) for Ed Batchelder, 144 Bean Road, Tax Map 140, Lot 2, with the condition that the deck/porch be no greater than six (6) feet in width from the structure towards the ROW, 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. DeMeo, motion passed, five (5) in favor (Nolin, Crowe, DeMeo, Hopkins, Jenny) and none (0) opposed.

Mr. Nolin noted the 30 day right to appeal in accordance with NH RSA 677:2 would begin tomorrow.

Mr. Stephens returned to the Board at this time with full voting privileges.

V. Correspondence

VI. Unfinished Business

1. Review and possible authorization for the Chair to sign the formal Notice of Decision for the July 16th, 2014 denial of a variance for Russell H. Brown (198-8) (49 Grassy Pond Road).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the hearing on July 16th. There were no changes made to the draft.

Motion: Mr. Nolin moved to direct the Chairman to sign the Notice of Decision as written, for Russell H. Brown (198-8)(49 Grassy Pond Road) and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. Hopkins, carried unanimously.

2. Review and possible authorization for the Chair to sign the formal Notice of Decision for the July 16th, 2014 denial of a variance for Zaremba Program Development, LLC on behalf of Dollar General (52- 18) (929 Whittier Hwy).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the hearing on July 16th. Mr. Nolin requested that there be a reference to the fact that the development lot had not been yet subdivided from the lot of record at the time of the Public Hearing.

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

3. Mr. Stephens suggested that the board consider amending the start time of their meetings from 7:30 PM to 7:00 PM and requested input from the Board. The members and alternates present had no objections to the suggestion to amend the start time to 7 PM. It was the consensus of the Board to change the start time of their meeting to 7 PM beginning with their next meeting on August 20, 2014.

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 8:32 PM, seconded by Mr. Nolin, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant

NOTICE: These DRAFT Minutes have not been formally approved by the Zoning Board of Adjustment. Please contact the Office of Development Services after the next regularly scheduled meeting of the Moultonborough Zoning Board of Adjustment to be held on the 1st and 3rd Wednesday of each month, to learn if any corrections, additions or deletions were made.