

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

**Regular Meeting**

**September 17, 2014**

**Minutes**

Present:           Members:       Bob Stephens, Russ Nolin, Bob Zewski, Joe Crowe, Ken Bickford  
                          Alternates:     Jerry Hopkins, Nick DeMeo  
Excused:          Alternate:     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 7:04 PM and introduced the members of the Board to the public.

**II.      Pledge of Allegiance**

**III.     Approval of Minutes**

**Motion:**        Mr. Zewski moved to approve the Zoning Board of Adjustment Minutes of September 3, 2014, as written, seconded by Mr. Bickford, carried unanimously.

**IV.     Hearings**

1.    Hettie Buck (107-21)(13 Heatherwood Drive)  
      Variance from Article III.B (3)

Mr. Stephens stated that this was an application for a variance for relief from Article III.B (3) to construct a 20 ft. x 24 ft. carport located 5 ft. from the side boundary line.

Hettie Buck presented her application for variance. The proposal is to construct the carport on the existing paved driveway. She noted that alternative locations were looked at. She provided sketches and photos with the application. She stated one location is to put it directly in front of her home, and she does not prefer to have the carport blocking the entrance to her home. The second alternative was to put it in back of the home which would require paving over her existing septic tank. The best alternative is to place it over the existing paved driveway. She stated that there is an existing buffer of trees on the abutting lot. Ms. Buck answered any questions from the board.

Mr. Woodruff referred to his staff memo of September 12<sup>th</sup> which included a map of the neighborhood, noting the original subdivision was made up of smaller lots that were similar to the subject parcel. Lots in the neighborhood have been sold in multiples over the years and merged to create larger lots. The subject lot appears to be the only lot in the neighborhood that was built on a single lot so it is unique to the area. Many of the residential structures in the neighborhood include garages that are attached. In looking at the applicants five criteria justification he believes that they were put together quite well. There might not be quite the argument that justifies the substantial justice and the unnecessary hardship criteria, which the board may wish to explore further.

The Chair noted that the board has seen this property before as it was before them in 2011 and the then owners were granted a variance to construct an attached garage within the side setback. The variance was granted based on a recognized disability for the two young boys residing in the home. The board did not sunset the approval of that garage. However the owners did not construct the garage, sold the home, and therefore that variance went away.

Mr. Stephens and Mr. Bickford commented that they had gone by to look at the property and each gave a brief description of the property, noting the backyard is lower with a walk out basement. There would be a steep downgrade to the backyard if the carport were to be constructed there.

Mr. Stephens asked if there were any 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 7:18 PM and came out of deliberative session at 7:26 PM.

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

**Motion:** Mr. Bickford moved to grant the request for a variance from Article III.B (3) for Hettie Buck, 13 Heatherwood Drive, Tax Map 107, Lot 21, 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, five (5) in favor (Stephens, Nolin, Zewski, Bickford, Crowe) 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

## VI. Unfinished Business

1. Review and possible authorization for the Chair to sign the formal Notice of Decision for the September 3, 2014 granting of a variance for the dePeyster Trust, Deborah dePeyster, Trustee, for a parcel located at 518 High Haith Road, (Tax Map 61, Lot 2).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the hearing on September 3<sup>rd</sup>. 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 the dePeyster Trust, Deborah dePeyster, Trustee (61-2)(518 High Haith Road) and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. Nolin, carried unanimously.

2. Mr. Woodruff updated the Board regarding the Motion for Rehearing of Denial of Variance for Tevis Kraft, Tax Map 52, Lot 18) (Zaremba Program Development, LLC) stating that they have filed suit in Superior Court.

3. Mr. Woodruff briefly updated the Board with the progress in regards to the 20% maximum expansion rule for the residential non-conforming structure. This has been something that has been coming in more often. The Planning Board agrees that this is an issue and at their last meeting began to discuss how that section of the ordinance may be changed for Town Meeting 2015. He had prepared draft language for them to review, which was done, and they agree with the language. There are a few other changes in that

section that requires further discussion. At the meeting on the 24<sup>th</sup> they will discuss that and most likely will send something to be posted for public hearing and then forwarded to be included on the ballot.

**VII. Adjournment**

**Motion:** Mr. Stephens made the motion to adjourn at 7:32 PM, seconded by Mr. Zewski, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant