

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

Regular Meeting

January 7, 2015

Minutes

Present: Members: Bob Stephens, Ken Bickford
 Alternates: Jerry Hopkins, Richard Jenny
Excused: Members: Bob Zewski, Russ Nolin, Joe Crowe
 Alternate: Nick DeMeo, 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 7:05 PM and introduced the members of the Board to the public. Mr. Stephens appointed Jerry Hopkins and Richard Jenny to sit on the board with full voting privileges in place of excused member Bob Zewski and Russ Nolin. Mr. Stephens stated that they would begin the meeting with a board of four.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Hopkins moved to approve the Zoning Board of Adjustment Minutes of November 15, 2014, as written, seconded by Mr. Bickford, carried unanimously.

IV. Hearings

The Chair stated that with the permission of the Board, he was going to go out of order from the posted agenda. He asked that they take up Item #2 first.

2. Eric Buck (Terrain Planning & Design, LLC) Agent for Duncan & Morgan Gillis
 (150-15)(56 Black's Landing Road)Variance from Article III.B (3)

Mr. Stephens stated that this application deals with a condition that is currently in the works for an amendment at Town Meeting 2015, which will negate the need for this application. He commented that once a proposed amendment has been posted, it is in effect until such time that at Town Meeting the amendment either passes or fails. The Planner commented if it is a restriction, or greater restriction than is currently in the Zoning Ordinance (Z/O), you can't do what the Z/O says now, the restriction applies, and if it is the opposite, which is the case of this amendment, which relaxes the requirements, you can do it, but you do it at your own risk. If you go forward with the construction you should be substantively completed so that if the voters turn down the amendment, it would become non-conforming grandfathered.

The Chair made the proposal that the board not hear this application as it falls under the proposed changes in the Z/O for 2015, and to refund the \$100 application fee.

There was a brief discussion with Eric Buck, making certain that he understood this proposal. Mr. Buck reiterated what was just discussed, that this proposal as presented at this time would not require

a variance at this time. And that the home owner would be required to obtain a building permit prior to Town Meeting. The Planner noted that they would be required to prove to the Code Enforcement Officer that “fill in the notches addition” proposal is a) no closer than 10 feet to the reference line and b) that the addition itself is less than 20% of the gross habitable floor area of the existing dwelling.

There was a further discussion noting the risk if the applicant chooses to go forward with the proposal. If the amendment fails, and they have already gotten the building permit, begun construction, and don't get it substantially completed, they are at risk of having to come back to the Zoning Board for a variance, or if the board denies the variance, they would have to tear it down. Mr. Buck was understood the proposal and the action in which the board was taking this evening.

Motion: Mr. Stephens moved that the board not hear the application of Eric Buck (Terrain Planning & Design, LLC) Agent for Duncan & Morgan Gillis (150-15) as presented and to refund the \$100 application fee, seconded by Mr. Bickford, carried unanimously.

1. Michael G. Wallace (99-181)(65 Sunrise Drive)
Variances from Articles III.B (3&4) and VII E (1)

Mr. Stephens noted that there were only four members seated at this time and that applicants are entitled to a full board of five members. If the applicant 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 applicant may request a continuance to the next available date. Mr. Wallace asked if the board would be willing to take the last hearing before him, waiting to see if another member may arrive for 7:30. The Chair tabled the hearing for Michael Wallace to be the last hearing.

The Board took a short break and reconvened at 7:28. The Chair noted that they had indication that there would not be any additional members or alternates attending this evening. He stated that both applicants have the right to a full board or they may request a continuance to January 21st.

3. Richard A. Morgan (217-27)(166 Black Cat Island Road)
Variance from Articles III.B (3&4)

Mr. Stephens questioned the applicant's agent, Dave Dolan, if they wished to proceed forward this evening. Mr. Dolan stated that they would like to continue to the 21st of January.

Motion: Mr. Stephens moved continue the Public Hearing for Michael G. Wallace, 65 Sunrise Drive, (99-181) to January 21, 2015, seconded by Mr. Bickford, carried unanimously.

Motion: Mr. Stephens moved continue the Public Hearing for Richard A. Morgan, 166 Black Cat Island Road (217-27) to January 21, 2015, seconded by Mr. Hopkins, carried unanimously.

V. Correspondence

VI. Unfinished Business

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 7:40 PM, seconded by Mr. Bickford, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant