

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

Regular Meeting

March 18, 2015

Minutes

Present: Members: Bob Stephens, Russ Nolin, Ken Bickford, Robert St. Peter
 Alternate: Nick DeMeo
Excused: Member: Bob Zewski
 Alternates: Richard Jenny, Paul Onthank, Jerry Hopkins
Staff Present: Town Planner, Bruce W. Woodruff; Administrative Assistant, Bonnie Whitney

I. Call to Order

As Senior Member, Mr. Stephens called the meeting to order at 7:00 PM and introduced the members of the board to the public. He then appointed Nick DeMeo to sit on the board with full voting privileges in place of Bob Zewski and welcome newly elected member Robert St. Peter to the board.

II. Pledge of Allegiance

III. Organizational Meeting - 2015 Board Organization

Election of Officers

Mr. Stephens stated this was the business portion of their annual Organizational Meeting and he called the annual Organizational Meeting to order. Mr. Stephens stated that he was willing to serve as Chairman again and called for nominations for both Chair and Vice Chair.

Motion: Mr. DeMeo moved to nominate Bob Stephens as Chairman, seconded by Mr. Bickford, carried unanimously.

Motion: Mr. Bickford moved to nominate Russ Nolin as Vice Chair, seconded by Mr. St. Peter, carried unanimously.

Appointment of Alternates

The Chair noted that the term of two of the alternate members ends on March 31st, 2015. Both alternates, Mr. Hopkins and Mr. Onthank have indicated their interest to serve another term as alternate members. After a brief discussion the following motions were made:

Motion: Mr. Stephens moved to appoint Jerry Hopkins as an Alternate Member of the Zoning Board of Adjustment with a term ending in March 2018, seconded by Mr. Nolin, carried unanimously.

Motion: Mr. Stephens moved to appoint Paul Onthank as an Alternate Member of the Zoning Board of Adjustment with a term ending in March 2018, seconded by Mr. Nolin, carried unanimously.

Review of Policies and By-Laws

Board members were provided with a copy of the Policies that were approved in 2014. Mr. Nolin asked that the Board table their review as there were a few things he would like to go over. After a brief discussion it was the decision of the board to move forward with the Policies as presented this evening and to revisit this at a future date if they felt it was necessary.

Motion: Mr. Nolin moved to approve the Moultonborough Zoning Board of Adjustment Policies as presented this evening, seconded by Mr. St. Peter, carried unanimously.

IV. Approval of Minutes

Motion: Mr. Nolin moved to approve the Zoning Board of Adjustment Minutes of January 21, 2015, as written, seconded by Mr. DeMeo, carried unanimously with Mr. St. Peter abstaining.

V. Hearings

1. Bradford S. & Cheryl Signor (254-57)(14 Watson Shore Road)
Variance from Article III.B.3

Mr. Stephens stated that this is a request for a side setback Variance.

David M. Dolan, of David M. Dolan Associates, P.C. agent for the applicants presented the application for variance. Mr. Signor was present for the hearing. Mr. Dolan briefly described the lot, location, size, current development of the site. Mr. Dolan referred to the Existing Conditions Plan which shows what is there now and the proposed plan. The lot was created as part of 1947 subdivision of lots, is approximately 19,100 square feet in size and has approximately 100 feet of frontage (as measured along the shore) on Lake Winnepesaukee. Given the configuration of the property and the shoreline, the width of the lot at the 50 foot shoreline setback is approximately 66.5 feet; the width between the side property line setbacks at the 50 foot shoreline setback is 25.2 feet; and the width between the side property line setbacks at the front (road right-of-way) setback is approximately 41.5 feet. The 'buildable' portion of the lot (the portion that is in compliance with required building setbacks) is approximately 5,422 square feet. The existing dwelling is located 34.5 feet from the lake shore, 1.7 feet from the west side property line, and 5.8 feet from the east side property line. The location of the existing dwelling is 'grandfathered'. A variance is required in order to raze the existing dwelling, and construct a new dwelling in a more-nearly conforming location. The proposed dwelling will be relocated entirely in compliance with the required 50 foot shoreline setback. Side setbacks will be increased to a more nearly conforming distance. The proposal is to raze the existing building and relocating it in a more nearly conforming location approximately 13.2 feet from the west side property line and 6 feet from the east side property line. Mr. Dolan noted that there is a significant wetland area on the easterly abutting property (Tax Map 254 Lot 56). The width of the wetland precludes building on the abutting property for a distance ranging from 35 feet to over 80 feet on that portion of the abutting property that is adjacent to the proposed new dwelling. Mr. Dolan reviewed each of the criteria for the granting of a variance. Mr. Dolan answered any questions from the Board.

Mr. Stephens questioned what the distance was to the house located to the west. Mr. Dolan stated that as proposed it will be approximately 44 feet and existing is approximately 40 feet.

The Planner noted that the applicant is planning on demolishing the existing dwelling and that this is a lot of record that is buildable. If the board so chooses to grant the variance he has recommended two conditions to be included in their motion for approval.

Mr. Bickford noted the close proximity of the proposed dwelling on the north east corner, asking what they have proposed to protect the abutting wetland. Mr. Dolan stated that they will have erosion control and the installation of drip line trenches. There will be a drip edge on the building to catch rain water runoff, directing it either to a dry well or through a drainage swale.

Mr. Stephens opened the hearing for public input at this time.

Mark Browne, 18 Watson Shore Road noted his concern with the proximity of the new structure to the wetland on his abutting property. He was concerned that there will be more exposure (of the abutting dwelling) to the trees along the wetlands. They have already had one tree come down that did significant damage to the Signors garage. He stated that he would like to dredge the "pond" and has contacted NH DES regarding this and the grading of Watson Shore Road to eliminate silt from infiltrating his "pond". Another concern with how close the building will be is in relation to management and costs associated with the location of the proposed building. He stated that his preference would be that the building would be further away and that if the building goes up as proposed, there will be a burden as far as the wetlands, drainage and tree management issue. Mr. Stephens thanked Mr. Browne for his input.

Mr. Dolan indicated that he had spoken with Mr. Browne earlier in the day and he had expressed the same concerns about what he could do to mitigate the current siltation from road runoff that is occurring in the wetland. This is a separate process and can be done through permitting to remove the siltation and then to explore some sort of method to contain the siltation. He commented that filling the wetland may be causing it to expand and kill additional trees. He referred to photos that were submitted with the application. Mr. Stephens stated for the record that he and Mr. Bickford had each been to the site, noting there was snow cover and he was not able to discern where the wetland area was. He could see the tree line and its proximity to the property line and the existing structure.

Mr. Woodruff noted that the wetland is less than 20,000 sq. ft. in area, which means by the Moultonborough Zoning Ordinance, there is no 50 ft. buffer required so you can construct to the wetland boundary so as long as you don't impact into the wetlands. Mr. Dolan stated that they are not proposing any impact to the wetlands.

Mary Soucie, 10 Watson Shore Road stated that she had no objections to this plan at all.

Members briefly discussed the relocation of the garage portion of the proposed dwelling, asking if it could be rotated or shifted slightly to the west. Mr. Dolan replied that he had spoken with Mr. Woodruff regarding the proposed location noting the location of the septic system near the road, and if they were to rotate the garage there would not be any access to the dwelling without going through the garage. It was suggested that if the board were to grant the variance that language be added to include wording that the dwelling shall be "no closer" than 13.2 feet and 6 feet from the side property lines, therefore allowing for any slight adjustments to the placement of the dwelling without the need for the applicant to return to the ZBA.

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 7:32 PM and came out of deliberative session at 7:43 PM.

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

Motion: Mr. Bickford moved to grant the request for a variance from Article III.B(3) for Bradford S. & Cheryl Signor, Tax Map 254, Lot 57, subject to the following conditions: That a foundation certification be prepared prior to construction and that all best management practices be employed, adding that the location of

the dwelling be no closer than 13.2 feet from the west side property line and no closer than 6 feet from the east side property line, 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. Nolin, motion passed, five (5) in favor (Stephens, Nolin, Bickford, St. Peter, DeMeo) and none (0) opposed.

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

VII. Unfinished Business

1. Review and possible authorization for the Chair to sign the formal Notice of Decision for the January 21, 2015 granting of a variance for Michael G. Wallace, for a parcel located at 65 Sunrise Drive, (Tax Map 99, Lot 181).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the Hearing on January 21st. 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 Michael G. Wallace (99-181)(65 Sunrise Drive) and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. Stephens, carried unanimously.

2. Review and possible authorization for the Chair to sign the formal Notice of Decision for the January 21, 2015 granting of a variance for Richard A. Morgan, for a parcel located at 166 Black Cat Island Road, (Tax Map 217, Lot 27).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the Hearing on January 21st. There were no changes made to the draft.

Motion: Mr. DeMeo moved to direct the Chairman to sign the Notice of Decision as written, for Richard A. Morgan (212-27)(166 Black Cat Island Road) and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. Bickford, carried unanimously.

VI. Correspondence

1. Mr. Stephens noted that the 21st Annual OEP Spring Planning and Zoning Conference will be held on Saturday, May 2nd at the Grappone Conference Center in Concord, NH. He encouraged all to attend this training. Members were provided with information regarding the conference.

VIII. Adjournment

Motion: Mr. Nolin made the motion to adjourn at 7:53 PM, seconded by Mr. Bickford, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant