

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

**Regular Meeting**

**July 15, 2015**

**Minutes**

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

**I.       Call to Order**

Chairman Stephens called the meeting to order at 7:00 PM and led the Pledge of Allegiance. He then 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 June 17, 2015, as written, seconded by Mr. Nolin, carried unanimously.

**IV.     Hearings**

1.    Jeffrey & Priscilla Frahm (115-33) (59 Sawmill Way)  
      Special Exception from Article VI.C (Table of permitted Uses) & VI.E

Mr. Stephens stated that this was an application for a special exception for relief from Article VI. C to allow a mixed use facility comprised of an existing residential dwelling and a proposed marine service business in the Commercial A zone, where the existing dwelling is allowed by right and the proposed business is allowed by right (if alone), but the mixed use of both require a special exception from the Board.

Jeff & Priscilla Frahm were present for the hearing. Mr. Frahm presented his application for special exception, briefly describing the existing conditions of the site, as well as the proposed mixed use. Mr. Frahm answered any questions from the board.

The Chair asked Mr. Frahm to describe the nature of the business and how it will be conducted on the property. Mr. Frahm envisions there to be a ½ dozen boats. He feels that a dozen boats parked in the back would be to full. He will schedule boats for service. Small repairs can be done inside the existing garage, but other things would need to be done outside under a future carport which he would like to have an overhang on the rear of the garage. He specializes in stern drive outboards. Mr. Frahm commented that he currently resides in Florida and they spend their summers here and that he has worked at a marine every summer for the past six or seven years. They will be retiring soon and moving to Moultonborough full time.

The Chair asked if there would be any employees. Mr. Frahm maybe in the future, but right now by himself starting summer of 2016.

Mr. Bickford questioned if boats would be stored onsite over the course of the winter. Mr. Frahm stated no. He does not want shrunk wrapped boats in his back yard during the winter.

Mr. Zewski requested additional information on a comment made by Mr. Frahm regarding a carport. Mr. Frahm noted that he had no definite plans at this time, perhaps 2 bays attached to the existing garage.

The Chair commented that at present utilizing the existing structure with no expansion it is the opinion of the Planner that this proposal would not need to go before the Planning Board if the ZBA were to approve this special exception. If they should decide down the road to expand it, then they would have to go before the Planning Board for site plan review. The Chair stated for the purpose of the ZBA's action this evening he asked Mr. Frahm if it was his intent that he was looking to work within the confines of what he has, and down the road if he wishes to expand (employees or additions) then he would need to go before the Planning Board.

Mr. Nolin noted his concerns with approving the special exception without a site plan. They have no idea of the layout of the site and felt that it would be tough for them to pick up enough detail for approval. They don't know where the boats would be located, how much space, or will boats be stored in the setbacks.

Members questioned the hours of operation, which were noted to be 8am – 5 pm. The question was asked regarding if the septic was adequate for the proposed use. The Chair replied as this was an owner occupied home and there were no employees then there would be no required changes to the septic.

After a lengthy discussion some of the board members stated they would feel more comfortable if the applicant could provide them with a plan that did not need to be prepared by a licensed surveyor, which would depict the location of the activity on the site, number of boats, hours of operation and the location of septic.

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

Edward Sturgeon, Sr., abutter, 476 Whittier Highway noted his concern that if the Board were to approve the request for special exception for a small repair facility, as they have in the past for other properties, which have become an eyesore and appear to look like a junk yard, what would prevent the same from happening on this site. He also noted his concern with noise and safety. He stated that the location is hard to get into, and concerned with backing boats in from the road. He questioned where customers would "stage" while waiting to get into the driveway if there were multiple customers at one time. He does not feel that there is enough property to have boats going in and out. Mr. Sturgeon questioned who would enforce any limitations which may be place on the condition of approval.

The Chair stated the ZBA is not an enforcement body. They can place restrictions if they choose to. Mr. Stephens reiterated that this application is before the board for a mixed use. Each of the two uses alone is allowed by the ordinance, but the mixed use of the site requires a special exception.

Members referred to the Planners staff memo of July 10, 2015, suggesting the Board may wish to raise questions relating to screening, adequate parking for the dwelling, hours of operation, number of boats to be onsite at any one time, and specifically what kind of fire protection devices to be employed. Members questioned if the applicant had spoken with the Fire Chief for input on the proposal. Mr. Frahm stated that he had not spoken to the Fire Chief.

It was the decision of the Board to continue the hearing to a date certain allowing the applicant time to prepare a sketch/plan addressing the concerns raised this evening. They also requested input from

the Fire Chief regarding fire protection as well as input from the Road Agent regarding safety access to and from the site.

Mr. Stephens asked if there were any additional questions from the board at this time, it was noted there were none.

**Motion:** Mr. Stephens moved continue the Public Hearing for Jeffrey & Priscilla Frahm, 59 Sawmill Way, (115-33) to September 2, 2015, seconded by Mr. Bickford, carried unanimously.

## V. Correspondence

## VI. Unfinished Business

1. Review and possible authorization for the Chair to sign the formal Notice of Decision for the June 17, 2015 denial of a variance for Jose and Jussara Rosa (263-90)(14 West Point Road).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the Hearing on June 17<sup>th</sup>. 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 Jose and Jussara Rosa (263-90) (14 West Point Road) and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. Bickford, motion passed, five (5) in favor (Stephens, Nolin, Zewski, Bickford, St. Peter) and none (0) opposed.

2. Review and possible authorization for the Chair to sign the formal Notice of Decision for the June 17, 2015 granting of a variance for Roman P. and Misuk Legocki (188-24)(100 Wyman Trail).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the Hearing on June 17<sup>th</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 Roman P. and Misuk Legocki (188-24)(100 Wyman Trail) and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. Nolin, motion passed, five (5) in favor (Stephens, Nolin, Zewski, Bickford, St. Peter) and none (0) opposed.

3. Review and possible authorization for the Chair to sign the formal Notice of Decision for the June 17, 2015 granting of a variance for the Bettinger Family Revocable Trust (282-36)(22 Adams Shore Road).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the Hearing on June 17<sup>th</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 Bettinger Family Revocable Trust (282-36)(22 Adams Shore Road) and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. Nolin, motion passed, five (5) in favor (Stephens, Nolin, Zewski, Bickford, St. Peter) and none (0) opposed.

4. Mr. Stephens noted the board was in receipt of a letter submitted by Jose and Jussara Rosa, Tax Map 263, Lot 90, dated July 5, 2015 requesting a Motion to Rehear a setback variance request. Board members reviewed the request for Rehearing.

The Board discussed the request and based on their discussion, found that there were no procedural errors made by the Board and that there was no indication in the submittal that new evidence exists that they did not hear during the public hearing held on June 17, 2015, therefore denying the request for rehearing.

**Motion:** Mr. Nolin moved to deny the request for rehearing as requested in a letter received July 13, 2015 from Jose and Jussara Rosa, Tax Map 263, Lot 90, seconded by Mr. Zewski, carried in favor 5 to 0.

## **VII. Adjournment**

**Motion:** Mr. Stephens made the motion to adjourn at 7:49 PM, seconded by Mr. Bickford, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant