

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

**Regular Meeting**

**August 5, 2015**

**Minutes**

Present:           Members:       Bob Stephens, Bob Zewski, Ken Bickford, Robert St. Peter  
                          Alternate:     Richard Jenny  
Excused:          Member:       Russ Nolin  
                          Alternates:   Paul Onthank, Nick DeMeo, Jerry Hopkins  
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. Mr. Stephens appointed Richard Jenny to sit on the board with full voting privileges in place of excused member Russ Nolin.

**II.      Pledge of Allegiance**

**III.     Approval of Minutes**

**Motion:**        Mr. Zewski moved to approve the Zoning Board of Adjustment Minutes of July 15, 2015, as written, seconded by Mr. Bickford, carried unanimously.

**IV.     Hearings**

1.    Advanced Land Surveying Consultants for the M<sup>c</sup>Carthy Family 2013 Trust (18-35)  
      (9 Ben Berry Road) Variance from Article III.A (Minimum lot sizes)

Mr. Stephens stated that this was an application to obtain a Variance from MZO Article III.A (Minimum Lot Size) to allow a Boundary Line Adjustment that would adjust an existing larger lot down to 1.33 acre +/- that does not meet minimum lot size (0.88 total allowable units). The other lot being adjusted remains large enough to meet lot sizing requirements.

Kevin and Sheryl M<sup>c</sup>Carthy were present for the hearing and Mr. M<sup>c</sup>Carthy presented their variance application to the board. Mr. M<sup>c</sup>Carthy briefly described the existing property located at 9 Ben Berry Road. He noted the improvements to the site which include his home, 2-3 outbuildings (barn and pole barn) and storage bins for his existing business. He stated that they had recently purchased 11 Ben Berry Road, Tax Map 18, Lot 36. The proposal is to reconfigure Lots 35 and 36, reducing the size of Lot 35 from 9.55 acres +/- to 1.33 acres +/-, and resulting in Lot 36 increasing from 8.69 acres +/- to 16.91 acres +/- . They are before the board to obtain a variance as the proposed 1.33 acre +/- lot does not meet minimum lot sizing requirements. Mr. M<sup>c</sup>Carthy stated that both lots are already developed with wells, dwellings and septic systems. There are no proposed changes to the development of either lot. He stated that he would like to create the smaller lot (9 Ben Berry Road) with his existing home. They are at a point in their lives that their home is too large and they would like to down size to a smaller home. There are improvements behind their home that he would like to have contained on the abutting lot. Once they adjust the lot line, they would sell their home and move to 11 Ben Berry Road, continuing to utilize the

improved area as they currently do now. Mr. M<sup>c</sup>Carthy stated that nothing would change on how either one of the lots are used or developed. Mr. M<sup>c</sup>Carthy answered any questions from the board.

Members discussed at length the proposal, questioning if there was another option for placing the proposed boundary line which would not create a non-conforming lot. Mr. M<sup>c</sup>Carthy stated that he had worked with the surveyor in placing the proposed line, which would accommodate the side and rear setbacks of the pole barn, and allow for access from the proposed new Lot 36 to the barn and workshop over an area that would be the least impact and alleviate a need for an access easement over Lot 35 to reach the existing developed areas.

After discussing the characteristics (topography, ledge, wet areas) of the lots, members had questions regarding the soil calculations, would the proposed line be able to be moved to meet lot sizing, if they were to obtain a setback variance from the barn. These were questions that Mr. M<sup>c</sup>Carthy was unable to answer. Members were in agreement that the applicant had presented an argument that justifies the public interest, spirit of the ordinance, substantial justice, and no diminution of value of surrounding properties; but they could not see that they had meet the unnecessary hardship criteria. Mr. M<sup>c</sup>Carthy noted that they could not move the proposed line due to the fact that there only being one area they can construct the new driveway from Lot 36 to the rear, due to ledge and wet areas.

Mr. Stephens noted that there were no members from the public present this evening.

It was the decision of the board to continue the hearing to allow time for the board to conduct and onsite visit of the property.

**Motion:** Mr. Stephens moved to table the application for the M<sup>c</sup>Carthy Family 2013 Trust, Tax Map 18, Lot 35 and to continue the public hearing until August 19, 2015 and further schedule an on-site visit for Friday, August 7, 2014 at 3:00 p.m., seconded by Mr. Bickford, carried unanimously.

**V. Correspondence**

**VI. Unfinished Business**

**VII. Adjournment**

**Motion:** Mr. Stephens made the motion to adjourn at 7:29 PM, seconded by Mr. Zewski, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant