

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

Regular Meeting

September 2, 2015

Minutes

Present: Members: Bob Stephens, Russ Nolin, Bob Zewski, Ken Bickford, Robert St. Peter
 Alternates: Paul Onthank, Nick DeMeo
Excused: Alternates: Richard Jenny, 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.

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Zewski moved to approve the Zoning Board of Adjustment Minutes of August 19, 2015, as written, seconded by Mr. Nolin, carried unanimously.

IV. Hearings

1. Continuation of Public Hearing for 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 a continued hearing for Jeffrey & Priscilla Frahm. The Board had continued the July 15th hearing to a date certain allowing the applicant time to prepare a sketch/plan addressing their concerns raised at the public hearing. 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.

The Chair noted for the record that the Frahm's had stated that they would not be able to be present at tonight's hearing as they would be out of state. The purpose of the hearing being continued to this evening was to allow the board the opportunity to review and comment on the material submitted by Mr. Frahm addressing the concerns raised in July. Included in the material was a cover letter from The Frahm's, a site sketch of the property and a copy of the email correspondence between the applicant and Fire Chief, Dave Bengtson and Road Agent, Scott Kinmond. Mr. Stephens noted that there was no one present from the public for the hearing.

The Chair stated that the Board had a couple of options this evening. They could act on the application tonight if all felt that there was no information missing or anything else that would affect the way in which they would vote on this particular application without the applicant being present.

Mr. St. Peter commented that in reviewing his notes from the prior hearing there was one thing that he didn't see covered in the material was in reference to a comment from the abutter regarding the

amount of boats that would be onsite, would it increase to a yard full of boats and employees? It was noted in the cover letter that Mr. Frahm states “The possibility of 3-4 boats can be arranged on the property at this time” and there are four boats depicted on the sketch presented with the materials. The Chair commented that if the board chose to move to approve the application they may do so with contingencies such as a restriction of number of boats, hours of operation (stated as 8-5) a circular flow for access and egress which will minimize one concern that was raised at the prior hearing.

Mr. Nolin commented that this could be postponed until the applicant could attend a hearing. Members briefly discussed when the applicant would be able to attend a hearing as he is currently out of state. The Chair commented that they could continue the hearing to a date certain if members felt more comfortable with having the ability to ask the applicant questions. A few members asked if they had any additional questions for the applicant. Mr. Bickford stated that he did not recall the board discussing the septic system as noted under the recommendations of the Planner. Mr. Zewski replied that if they add one employee then he would have to expand the septic system which could not be done without approval. This would then limit the size of the business. Mr. Nolin stated that he would rather have the applicant present as this was a request for a special exception, but he did not have any specific questions at this time. Mr. St. Peter commented that the board had given the applicant an outline of what they were looking for at the prior hearing and that he addressed those in the materials provided.

The Chair asked if members had any further questions. A majority of the members noted that they did not. The Chair then polled the board as to whether they were going to move forward with the criteria for this application this evening or continue the application to a date certain.

Motion: Mr. Bickford moved to move forward with the application this evening for Jeffrey & Priscilla Frahm seconded by Mr. Zewski, , carried unanimously.

Mr. Stephens asked if there were any additional 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 special exception at 7:11 PM and came out of deliberative session at 7:16 PM. The voting members were Bob S., Russ, Bob Z. Ken and Rob.

Motion: Mr. Zewski moved to grant the request for Jeffrey & Priscilla Frahm (115-33) for a Special Exception from Article VI. C & E with the condition that there being a limitation of not more than four (4) motorized boats and/or Personal Water Craft outside, and 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. Bickford, motion passed, five (5) in favor (Stephens, Nolin, Zewski, Bickford, St. Peter) and none (0) opposed.

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

2. Continuation of Public Hearing for Advanced Land Surveying Consultants for the M^cCarthy Family 2013 Trust (18-35) (9 Ben Berry Road) Variance from Article III.A (Minimum lot sizes)

Mr. Stephens stated the board was in receipt of an e-mail that was received on September 2, 2015 from Kevin M^cCarthy (18-35) requesting the withdrawal of their application.

Motion: Mr. Zewski moved to grant the request for withdrawal of the application for the M^cCarthy Family 2013 Trust, Tax Map 18, Lot 35, submitted by Kevin M^cCarthy for a variance, seconded by Mr. Nolin, carried unanimously.

V. Correspondence

VI. Unfinished Business

1. Review and possible authorization for the Chair to sign the formal Notice of Decision for the August 19th, 2015 granting of a special exception for Rhonda & Raymond Quist, Trustees, for a parcel located at 5 Owens Way (Tax Map 223, Lot 66).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the Hearing on August 19th. 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 Rhonda & Raymond Quist, (223-66)(5 Owens Way) and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. St. Peter, 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 August 19th, 2015 granting of a variance for Peter & Linda Colby, Trustees, for a parcel located at 258 Castle Shore Road (Tax Map 129, Lot 83).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the Hearing on August 19th. There were no changes made to the draft.

Motion: Mr. Zewski moved to direct the Chairman to sign the Notice of Decision as written, for Peter & Linda Colby (129-83)(258 Castle Shore 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.

VII. Adjournment

Motion: Mr. Stephens made the motion to adjourn at 7:24 PM, seconded by Mr. Zewski, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant