

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

**Regular Meeting**

**October 7, 2015**

**Minutes**

Present:           Members:       Bob Stephens, Russ Nolin, Bob Zewski, Ken Bickford, Robert St. Peter  
                          Alternates:     Nick DeMeo  
Excused:          Alternates:     Richard Jenny, Jerry Hopkins, Paul Onthank  
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 September 2, 2015, as written, seconded by Mr. Bickford, carried unanimously.

**IV.     Hearings**

1.       Steven Carollo; Owner of Record; Antonia Carollo Revocable Trust, Antonia & Anthony J. Carollo Trustees (120-107)(21 Myrtle Drive) Variance from Article III.B.3

Mr. Stephens stated that this application was submitted as a variance request and after review via telecom with the Town Planner it was their decision that the request should in fact be for an Equitable Waiver of Dimensional Requirements. Mr. Carollo was present this evening and he has requested that he be allowed to amend his request from a variance to an Equitable Waiver of Dimensional Requirements. Also present in the audience was Antonia and Anthony Carollo.

Steve Carollo presented the application on behalf of the Antonia Carollo Revocable Trust. Mr. Carollo had spoken with the Code Enforcement Officer regarding a building permit. There is an existing foundation on the property that was permitted in 1986. The CEO had requested both a survey depicting the location of the foundation and an engineer inspection for the structural integrity. Mr. Carollo had provided the CEO with a certified plot plan for the property showing the foundation being located 16'6" from the property line, as well as an engineer report for the foundation. Included in the packet was a copy of the 1986 Building Permit for a "Foundation Only" permit which depicted 20' setbacks on each side property line. There was never any structure built nor was there any enforcement action taken with at least a ten (10) year period regarding the encroachment, so just that alone qualifies for the criteria for an equitable waiver. Mr. Carollo answered any questions from the board.

It was noted the foundation has been inspected by an engineer.

There were no members from the public present for the hearing.

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 equitable waiver at 7:08 PM and came out of deliberative session at 7:10 PM. The voting members were Bob S., Russ, Bob Z. Ken and Rob.

**Motion:** Mr. Bickford moved to grant the request for an Equitable Waiver of Dimensional Requirements as provided in RSA 674:33a, made by Steven Carollo; Owner of Record; Antonia Carollo Revocable Trust, Antonia & Anthony J. Carollo, Tax Map 120, Lot 107 to allow for a side building setback to be 16' 6" +/- where 20' is required on the property located at 21 Myrtle Drive and as shown on the plan submitted with the application, 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. St. Peter, 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.

**V. Correspondence**

**VI. Unfinished Business**

1. Review and possible authorization for the Chair to sign the formal Notice of Decision for the September 2<sup>nd</sup>, 2015 granting of a special exception for Jeffrey & Priscilla Frahm, for a parcel located at 59 Sawmill Way (Tax Map 115, Lot 33).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the Hearing on September 2<sup>nd</sup>. 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 Jeffrey & Priscilla Frahm, (115-33)(59 Sawmill Way) 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. The Chair noted that he was contacted by the Office of Development Services in regards to meeting dates in November. Both regular meeting dates (11/11 & 11/25) for the Planning Board had been cancelled due to Veteran's Day and Thanksgiving evening. Under NH RSA, planning boards are required to meet at least once month. If there are no application pending before the board, it must still hold a monthly meeting. In discussion with the Chair of the PB, Mr. Stephens has cancelled their regular meeting of November 18<sup>th</sup>. Therefore, the meeting room would be available on that evening. The planning board will hold the required meeting on November 18<sup>th</sup>.

**VII. Adjournment**

**Motion:** Mr. Bickford made the motion to adjourn at 7:19 PM, seconded by Mr. Zewski, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant