

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

Regular Meeting

December 16, 2015

Minutes

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

II. Pledge of Allegiance

III. Approval of Minutes

Motion: Mr. Bickford moved to approve the Zoning Board of Adjustment Minutes of October 7, 2015, as written, seconded by Mr. DeMeo, carried unanimously.

IV. Hearings

1. Eric Buck on behalf of Steve Eckles (263-74) (66 West Point Road)
 Variance from Article III.B.3

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

Eric Buck of Terrain Planning & Design, LLC presented the application on behalf of Steve Eckles. Mr. Buck stated the purpose of the variance request was to demolish and reconstruct an existing garage. He went on to note the improvements on the site which include an existing 3-bedroom house, septic system and leaching field, gravel drive and the garage/shed in question which is located approximately seven (7) feet from the property line. The garage/shed is in disrepair with no way to leave a portion of it and reconstruct it in its current condition. The proposal is to demolish it.

The new bunkhouse/garage will be moved two feet inward into the property which will still allow for vehicle circulation, proper turnaround driveway layout, to accommodate the vehicles on site. The new shed will have a two-car garage, carport, 1-bedroom bunkhouse, with first and second story living space.

The current septic is a 4-bedroom system. There are 3-bedrooms in the current house, so they are proposing one additional bedroom bringing it to the maximum size for the current septic system. They have completed a new septic design which will be submitted to DES for approval, as their long term plan is to demolish the existing house and reconstruct that eventually. There are no issues with the current system.

The footprint of the existing shed is 1,095 sq. ft. The proposed garage/bunkhouse 1,355 sq. ft. They will be redesigning and re-grading the driveway for a proper turnaround so that the drainage from the new garage and new driveway area will filter through a stormwater management system, swale rain garden. The new septic system will be in the current footprint of the existing system. Mr. Buck answered any questions from the board.

Mr. Stephens reiterated that the applicant was before the board for a setback variance. He then asked what members had had the opportunity to view the site. Four of the five voting members had independently been to view the site.

Mr. St. Peter asked if there was a difference in the depth of the buildings, new verses old, or are they both 24'? They are the same footprint, other than the carport. Mr. St. Peter followed up with the question as to the reason why the new building couldn't be located to meet the 20' side setback. Mr. Buck replied it would encroach on the existing driveway space and it would somewhat block the circulation and entrance into the existing house. It would completely change the character of the site and is not aesthetically pleasing for his clients.

The Chair noted for the record the Town Planners staff memo of December 9th. This memo provided a background of the property, his observations, recommendations and reason behind his recommendations. He briefly read portions of the comments "Staff believe that some small weight could be placed on the fact that there has been an existing garage/shed structure located within 5-ft. of the side property that is proposed to be removed, while recognizing that the proposed new construction would locate the bunkhouse/garage/carport away from the side property line by an additional 2-ft." In essence he was saying that because you demolish that, you lose the grandfathering rights to have that within the setback. This is why the applicant is here. He went on to note some of the issues in the Summary of Request and Background, "wet bar", recognizing that they are not here for a second dwelling unit and depending upon the motion made by the Board that should be made clear. Members questioned how this building as proposed could not be classified as a dwelling unit. The Chair replied that it was strictly the cooking facility. That is what the town ordinance defines it as at this time. It is not a debate for this board. Everyone could plainly look at this proposal and say that this is another house, but in the terms of the ordinance and the definition it is the cooking element that defines it as an operating kitchen (which includes a microwave). The Chair went onto note that the Planner's recommendation was if the Board should grant the variance request, he recommended the following conditions: 1. A foundation certification be prepared prior to construction and that all best management practices be employed. 2. The bunkhouse shall have no kitchen and a second dwelling disclaimer shall be signed and recorded in the Registry (CCRD). 3. The amended septic permit shall be submitted at time of building permit submittal. 4. Provide clarification from the Shoreland Bureau that the term garage was understood for what has been shown on the plans submitted to the ZBA. 5. The notice of decision for the variance also be recorded at the CCRD.

Mr. Buck stated that he had spoken with Craig Day from NH DES noting that the use does not matter for their regulations. It is the footprint. He will submit something from Mr. Day.

Mr. St. Peter questioned if there were any future plans to knock down the and rebuild the existing house. Mr. Buck stated yes, as previously noted. It may be 3, 5, 10 15 years from now, but that is the plan and is in the shoreline approval they received shows the maximum footprint that would be allowed for the construction of a new house.

Members noted and discussed the reasons as to why (in their opinion) the site could or could not be configured so that the new garage/bunkhouse was to be located to meet setbacks. They all struggled with the "Unnecessary Hardship" criteria. Were there special conditions of the property that created an unnecessary hardship? Was there a reasonable use of the property, and if the proposed use would alter the character of the neighborhood. Mr. Buck commented that there are several other homes in the

neighborhood that have structures that encroach into the setbacks. Members felt that this lot was not anymore unique than others in the neighborhood.

Mr. St. Peter commented that if the plan was to someday demolish the existing home they could design the entry in accordance with the location of the bunkhouse/garage.

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.

Based on the discussion by the Board, Mr. Buck stated in the interest of his client, he requested a continuance of the hearing so that he may go back to them with some feedback and see if there are modifications that they could make to the design that would be more favorable to the Board than to come out of this hearing with a denial.

Motion: Mr. Stephens moved to table the application for the request for a variance submitted by Eric Buck, owner of record, Steve Eckles, 66 West Point Road (263-74) and to continue the public hearing to January 6, 2016, 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 October 7th, 2015 granting of an equitable waiver of dimensional requirements for Steven Carollo; Owner of Record; Antonia Carollo Revocable Trust, Antonia & Anthony J. Carollo Trustees, for a parcel located at 21 Myrtle Drive (Tax Map 120, Lot 107).

The Board reviewed the Draft Notice of Decision prepared by staff, as directed by the Board at the Hearing on October 7th. 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 Steven Carollo; Owner of Record; Antonia Carollo Revocable Trust, Antonia & Anthony J. Carollo Trustees, (120-107) (21 Myrtle Drive) and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. DeMeo, motion passed, five (5) in favor (Stephens, Nolin, Bickford, St. Peter, DeMeo) and none (0) opposed.

2. Review of 2016 Meeting Date Schedule - The Board was provided with a draft of the 2016 meeting dates. Mr. Stephens stated that the dates were the usual first and third Wednesdays of each month.

Motion: Mr. Stephens moved to approve the Zoning Board 2016 meeting dates as presented, seconded by Mr. Nolin, carried unanimously.

VII. Adjournment

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

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant