

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

**Regular Meeting**

**January 4, 2017**

**Minutes**

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

**II.    Pledge of Allegiance**

**III.   Approval of Minutes**

**Motion:**       Mr. Hopkins moved to approve the Zoning Board of Adjustment Minutes of December 7<sup>th</sup>, 2016, as written, seconded by Mr. Nolin, carried unanimously with Mr. Stephens abstaining.

**IV.   Hearings**

1.     Kevin Quinlan, Balmoral Improvement Association (99-102) (294 Paradise Drive)  
       Special Exception - Article VI.D & VI.E

The Chair stated that this was an application submitted by Kevin Quinlan, Balmoral Improvement Association for a Special Exception from the MZO Article VI.D (Commercial Use within a Residential / Agricultural Zone) to allow the construction of a parking lot to serve the community beach, on a residential lot. Proposed use is "Recreation Use Outdoor-High Impact", which is allowed by Special Exception.

Dan Ellis from Ames Associates was present this evening representing the applicant Kevin Quinlan, who was present for the hearing. Mr. Ellis stated that the Balmoral Improvement Association is considering purchasing the property located in the Balmoral development, which is made up of 400 +/- units. This would be an opportunity to potentially provide some much-needed additional parking and storage to the shared beach lot (Map 120 Lot 105). All the units have rights to use the beach. There are about 34 parking spaces to go with the beach. Currently during busy times the parking area at the end of Paradise Drive fills up and many have to park along Paradise Drive, which causes congestion and potential safety hazards.

The lot is currently vacant, a residential home was removed from this site some time ago and the only structures remaining are two garages. The proposal is to keep the larger garage, which would be used for storage of the seasonal dock sections and other Association equipment. The smaller garage would be

removed. The lot is bordered on three sides by Paradise Drive and Pleasure Lane. They abut to the East, two residential lots.

The proposal is to provide over flow parking for the beach use. As proposed, it will be a Gravel parking area that would allow for 20 parking spaces. Mr. Ellis stated that the use for parking qualifies as a commercial use in a Residential/Agricultural zone that requires the Special Exception. They are proposing extensive landscape screening which will shrubs and evergreens planted on a 1½ - 2-foot berm. This would provide screen headlights at night. They do not anticipate a lot of night use as it is associated with the beach. They are proposing a 5-foot high stockade fence, along the abutting lots, with plantings on the abutters side of the fence. The traffic pattern will be a one-way pattern with the entrance off Paradise Drive and exiting onto Pleasure Lane. Once the parking area is constructed, portions of Paradise Drive that are currently problem parking areas would be posted "No Parking". Parking spaces at the end of Paradise Drive (which provide handicapped parking) will remain. The goal is to alleviate some of the existing issues with parking and pedestrian traffic. They feel that the proposed parking will help with that, both the 20 extra spaces and the proposed walkway and crosswalk to get pedestrians down to Paradise Drive on the correct side of the road to walk down to the beach against the traffic.

Kevin Quinlan, President of Balmoral Association gave a brief description of the beach area, noting that cars park along both sides of the road, which impacts the ability to drive up and down Pleasure Lane. They're looking to restrict parking along Paradise Drive from the proposed entrance for the new lot, and if the abutters choose so, restrict parking to one side or the other on Pleasure Lane. The proposal is to gate both the entrance and exit, they could be locked when not in use. It will be used on high impact weekends. It could be shut during the week if the Association chooses so. It will be closed from Labor Day through Memorial Day. Mr. Quinlan stated that this was a unique opportunity. The lot came up for sale, and by a show of hands at their association meeting in May of 2016 to consider the purchase of the property. Ideas included a comfort station, parking areas and other things. Prior to purchasing the Lot, they are seeking approvals, permits, etc. and based on that, go forward with a full Association vote to purchase the property if approved.

The Chair noted Mr. Ellis had indicated that screening was going to be put up to mitigate the effects of lighting in the evening, and Mr. Quinlan indicated there would be gates as well. In so much as the purpose is for the beach, have they had any thought process to not allowing access to the Lot at night? Mr. Quinlan replied they could do that, reminding the Board that it still needs to go before the Association. Members noted that was the type of information they would like tonight. That could make a difference in their decision. Mr. Quinlan stated the beach closes at 10:30, so cars would need to be out of there by then. The Lot would be open during beach hours. They have a security guard on the beach that they could utilize to police the area. Maintenance of the Lot would be done by the Association, through their current contractor, Pine Ridge. They have proposed a stockade fence, but are willing to work with the abutter, noting it will be approximately five-foot in height.

Other questions from the Board included is the Lot to be gravel or pavement? Gravel. Where are the dock sections currently stored? On the beach. What is the height of the proposed berm? 1½ - 2 feet, to elevate the shrubbery to a height of where the headlights are. What is there for drainage? The Lot is fairly flat, they will slope is towards the edge for infiltration into rain gardens. The drainage will stay on site.

Mr. Ellis addressed each of the criteria for the granting of a special exception as contained in his narrative submitted with the application.

Mr. Nolin questioned the land space requirements. Mr. Ellis stated that the coverage is limited by the Zoning Ordinance to 50% of the lot, and the proposed coverage is 44%, including the existing garage. Mr. Nolin questioned the buffer, noting that one of the criteria requires that there shall be a vegetated buffer of not less than fifty (50) feet. Mr. Ellis replied that they looked at this as a unique situation. If you applied at fifty-foot buffer from the lot lines, the lot would be gone. Mr. Nolin commented that this was part of the criteria, asking if they would need a variance from that requirement? The proposal shows a

10-foot buffer. Mr. Ellis stated in his conversation with the Interim Planner and the Code Enforcement Officer, they felt it was still appropriate for a special exception. They have done the best they could with a landscape buffer and the fact that they are bordered by a fifty-foot wide street on three sides. There are no proposed changes within fifty feet of the one property line that abuts residential properties, other than to enhance the screening that it there. Mr. Nolin noted that he understood that, but the criteria was specific about a vegetated buffer of not less than fifty (50) feet. He feels if the Board stuck to the guidelines, basically they would be giving them a variance, which is not the application before them. Mr. Ellis agreed that it is worded very specifically, and they were before the Board based on the result of their meetings with the Interim Planner and the Code Enforcement Officer. Members briefly discussed this, with some in agreement with Mr. Nolin.

The Chair opened the hearing for public input.

Carol Gourgoumis, abutter at 288 Paradise Drive noted her concerns with the proposed development of the site, these related to diminution of her property value, what will be parked in the parking lot, security, and trash. She questioned what the distance will be from the entrance/exit to her property. Mr. Quinlan stated that the proposal is to use this existing driveway on the lot. The existing garage on the lot will remain the same size and in the same location. There will not be any parking allowed for boat trailers. The maintenance/cleaning will be done daily, the same as the beach. The gate will be closed when the beach closes at 10:30 pm.

Ronald Perrotti, Paradise Drive stated the existing driveway on the lot is only 8' from the property line, and that it close for people entering the parking lot. He asked if they could guarantee them after five years that the parking lot will not be obsolete and there will still be parking on the side of the road? Mr. Quinlan replied the plan is to post it "Police take Notice" and have the cars removed. It was noted that Paradise Drive is a town road and is monitored by the Police.

Lorraine Fleury, abutter 289 Paradise Drive stated that she opposes the project. She would like it to remain natural with no fencing and to have them plant trees. She noted her concerns regarding property values. She stated it will be an eyesore, and asked if they had considered a shuttle from the club house.

Ed Perrotti, 30 Pleasure Lane stated that he understood what Mr. Quinlan was doing. He did not believe that 20 cars will fit on the lot. He appreciates what they are trying to do. He would like to see no parking along all three sides of the lot. He is concerned that there will be more cars, stating once the 20 cars are in the lot, they will continue to park along the road. Mr. Ellis stated the parking spaces as depicted are 10'x20'.

Jim Nester, abutter at 24 Pleasure Lane noted his concerns with policing the "No Parking" on Paradise Drive. He was against the traffic pattern as proposed. He noted that when cars are parked along Pleasure Lane vehicles will not be able to maneuver from the parking lot. He would like it switched so traffic entered from Pleasure Lane and exited onto Paradise. He noted the proposal is for a gravel lot, and questioned if the parking spaces will be stripped. He closed noting that he was in favor, but that some things in their proposal needed to be fixed.

Carol Gourgoumis, abutter at 288 Paradise Drive noted her concern with the close proximity of the driveway in relation to her driveway. Mr. Ellis stated it was approximately 100' between the existing driveways. There is no proposal to relocate the existing driveway on the subject lot.

Tony Borgasano, abutter at 297 Paradise Drive noted his concerns with the proposal. He stated that he looks down on the lot as his house is elevated. Additional concerns were relating to drainage, security, and night time loitering. He questioned if there were any stats or studies done that show this proposal will solve the parking problems. Mr. Quinlan stated that there are 400 homes in Balmoral and that this would not solve the problem. They are trying to improve the situation and get cars off the road.

The Chair stated that the board had received a lot of comments from the public. He noted they still have the 50-foot setback issue that he was not sure the Board has the authority without going through the variance approach to suggest that that's not relevant. He did not see an avenue to get through that. Members questioned if there was a need for a legal opinion on this. The Chair replied that he would like to get a legal opinion on whether or not they need an additional application for a variance from the 50-foot setback.

It was the general consensus of the Board to have the Chair contact Town Counsel for an opinion regarding the need for a variance.

**Motion:** Mr. Hopkins moved table the Public Hearing for Kevin Quinlan, Balmoral Improvement Association (99-102) to February 1, 2017 to allow time for the Chairman seek legal input from Town Counsel, seconded by Mr. St. Peter, carried unanimously.

## V. Correspondence

## VI. Unfinished Business

Chairman Stephens stated that he would be recusing himself from the Board for the approval of the Notice of Decision for Mark and John Stephens. Mr. Stephens appointed Nick DeMeo in his place and Rob St. Peter as acting chair for the review and approval of the Notice of Decision.

1. Review and possible authorization for the Chair to sign the formal Notice of Decision for the December 7<sup>th</sup>, 2016 granting of multiple Variances for Mark and John Stephens, for a parcel located on 62/70 Moultonboro Neck Road (Tax Map 135 Lot 16).

The Board reviewed the draft Notice of Decision prepared by staff, as directed by the Board at the hearing on December 7<sup>th</sup>. There were no changes made to the draft.

**Motion:** Mr. Hopkins moved to approve the formal Notice of Decision as written for Mark and John Stephens, Tax Map 135, Lot 16 and to authorize the Acting Chairman to sign and staff to mail said notice to the applicant or applicant's agent, seconded by Mr. Nolin, motion passed, five (5) in favor (St. Peter, Nolin, Hopkins, Jenny, DeMeo), and none (0) opposed.

Chairman Stephens returned to the Board with full voting privileges.

2. Chairman Stephens stated that he still would like to schedule a meet and greet with Town Counsel sometime that would work with board members' schedules.

## VII. Adjournment

**Motion:** Mr. Stephens made the motion to adjourn at 8:18 PM, seconded by Mr. Nolin, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant

**NOTICE: These DRAFT Minutes have not been formally approved by the Zoning Board of Adjustment. Please contact the Office of Development Services after the next regularly scheduled meeting of the Moultonborough Zoning Board of Adjustment to be held on the 1st and 3rd Wednesday of each month, to learn if any corrections, additions or deletions were made.**