



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision – Special Exception - Steps

Request for Special Exception Janet W. Stone/Map 142, Lot 66

June 2, 2010

**Applicant: Janet W. Stone
4 Fawn Circle
Bedford, MA 01730**

Location: 22 Merrivale Road, Moultonborough, NH (Tax Map 142, Lot 66)

On May 19, 2010 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Janet W. Stone (hereinafter referred to as the “Applicant” and/or “Owner”) for an application for Special Exception under Article III(B)(6) to allow for construction of egress stairs to the proposed deck located within the existing setback for the property located in the Agricultural Residential (AR) Zoning District at 22 Merrivale Road.

Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 22 Merrivale Road (Tax Map 142, Lot 66)
- 2) The applicant is the owners of record for the lot.
- 3) The applicant was represented by Dan Ellis of Ames Associates.
- 4) The lot is located in the Agricultural Residential (AR) Zoning District.
- 5) No members of the public wished to speak during the Public Hearing.
- 6) The existing structure, a single-family residential unit, is the primary structure on the lot, and extends into the lake setback as a pre-existing, nonconforming primary structure.
- 7) The applicants are proposing stairs from the deck to access the waterbody, Lake Kanasatka, as ingress/egress for that portion of the structure.
- 8) The applicant waived their right to a five (5) member Board.
- 9) The footprint of the proposed stairs in the lake setback is approximately 67 sq.ft.
- 10) The specific site is an appropriate location for the use of the structure as it is adjacent to a waterbody.

- 11) The use will not be incompatible with the character of the neighboring land uses as it is a residential structure in a residential neighborhood, many of which have similar access to the lake.
- 12) Property values in the district will not be negatively impacted or reduced by such a use as the proposal will increase the site's value and is similar to other uses in the district.
- 13) There will be no nuisance or hazard to vehicles or pedestrians as the use is entirely on private property and not subject to public access.
- 14) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- 15) The proposed use complies with the minimum land space requirements.
- 16) The proposed use will not have an impact on the capacity of the existing roads and highways to carry related traffic.
- 17) The application meets all of the requirements for a Special Exception under Article VI E.
- 18) The Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, Nolin, Heal, McCarthy), and none (0) opposed to continue the Public Hearing to June 2, 2010, and to direct the Town Planner to draft a Notice of Decision to Grant the Special Exception, to be reviewed by the Board at the June 2, 2010 Regular Meeting.

The Board of Adjustment continued the Public Hearing to June 2, 2010. The Board of Adjustment closed the public portion of the hearing on June 2, 2010. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of three (3) in favor (Stephens, Heal, Nolin), none (0) opposed, to **GRANT** the request for Special Exception.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____