



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision**

### **Request for Variance**

**D. Scott and Elizabeth Dolfi/Map 188, Lot 30**

**September 21, 2011**

**Applicant: D. Scott and Elizabeth Dolfi  
PO Box 1040  
Moultonborough, NH 03254**

**Location: 80 Wyman Trail, Moultonborough, NH (Tax Map 188, Lot 30)**

On September 7, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Betsey and Scott Dolfi (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III (I) to allow for construction of a new single family dwelling to be higher than the required thirty-two (32) foot height limit for the parcel located in the Residential Agricultural (RA) Zoning District.

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

- 1) The property is located at 80 Wyman Trail (Tax Map 188, Lot 30).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public Hearings by Peter Bolton and Norman Larson of Christopher P. Williams, Architects.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) Nicole Roseberry, ZBA Member, recused herself from this application.
- 6) The applicants are proposing construction of a new single-family dwelling unit.
- 7) The proposed average height of the structure will be approximately thirty-four and three-quarter (34’7.6”) high.
- 8) The proposed maximum height of the structure shall be approximately forty-five (45.33) feet.
- 9) No members of the public spoke against the Variance request.

- 10) On August 17, 2011 the Public Hearing was continued to September 7, 2011 to allow input from the Fire Chief regarding the height variance request.
- 11) The Board was in receipt of correspondence from the Fire Chief that, as presented, he did not see any access issues regarding the height of the building.
- 12) Granting the Variance will not be contrary to the public interest as the use of the lot for residential use is in accordance with the permitted uses in the Residential Agricultural (RA) Zoning District.
- 13) Granting the Variance is consistent with the spirit of the Ordinance as the intent of the use in the zoning district is in conformance with the requirements of the Zoning Ordinance and the height impact will be relatively small at two and three-quarters (2'7.6") above the height limit.
- 14) By granting the Variance, substantial justice is done.
- 15) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of single-family homes of like construction and style.
- 16) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as there are special conditions of the property that distinguish it from other properties, such as topography, and the property cannot be reasonably used in strict conformance with the ordinance.
- 17) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Heal, Roseberry, Crowe), and none (0) opposed, to continue the Public Hearing to September 21, 2011, and to direct Staff to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the September 21, 2011 Regular Meeting.

The Public Hearing was continued to September 7, 2011 and September 21, 2011. The Board of Adjustment closed the Public Hearing on September 21, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of three (3) in favor (Stephens, Heal, Crowe), one (1) opposed (Hopkins), to **GRANT** the request for variance.

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.

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Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date \_\_\_\_\_