



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

### **Notice of Decision**

#### **Request for Special Exception**

**Jay R. and Carol B. Lamarche/Map 263, Lot 73**

**October 8, 2009**

**Applicant: Jay R. and Carol B. Lamarche  
70 West Point Road  
Moultonborough, NH 03254**

**Location: 70 West Point Road Moultonborough, NH (Tax Map 263, Lot 73)**

On September 16, 2009 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Jay R. and Carol B. Lamarche (hereinafter referred to as the "Applicant" and/or "Owner") for an application for Special Exception under Article VII (B)(3) to allow for expansion of a non-conforming primary building into the existing setback for the property located in the Agricultural Residential (AR) Zoning District.

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 70 West Point Road (Tax Map 263, Lot 73)
- 2) The applicants are the owners of record for the lot.
- 3) The lot is located in the Agricultural Residential (AR) Zoning District.
- 4) No members of the public wished to speak at the Public Hearing.
- 5) The existing structure, a single-family residential unit, is the primary structure on the lot, and extends into the side setback as a pre-existing, nonconforming primary structure.
- 6) The applicants are proposing to remove a portion of the existing structure and rebuild a new portion of the primary structure within the twenty (20) foot side setback on the lot.
- 7) The footprint of that portion of the new structure extending into the side setback will be approximately 50 sq.ft. outside of the existing footprint, but the proposed structure will have a smaller overall footprint within the setback than the existing structure.

- 8) The proposed new structure will not encroach further into the side setback than the original structure.
- 9) The applicant has received a Shoreland Permit from NH DES (permit 2009-00419) for the project.
- 10) The proposed expansion will not intrude further into any setback area than does the existing structure.
- 11) The proposed expansion will not have an adverse impact on the view, light or air of any abutter.
- 12) The proposed expansion will not cause property values to deteriorate.
- 13) The proposed expansion will not impede the existing rights of access or egress.
- 14) That portion of the proposed expansion which will intrude into the side setback does not exceed the footprint square footage of the existing structure.
- 15) The non-conforming primary structure is not a commercial use.
- 16) The requested Special Exception is to the side setback.
- 17) Granting of this Special Exception will not result in the violation of any setbacks not already affected.
- 18) The application meets all of the requirements for a Special Exception under Article VII B(3).

The Board of Adjustment closed the public portion of the hearing on September 16, 2009. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Bernstein, Nolin, Heal) and 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.

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 Robert Stephens  
 Chairman, Zoning Board of Adjustment

Date \_\_\_\_\_