



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

William P. Davies, Jr. and Patricia A. Davies

Tax Map 161, Lot 19

February 15, 2023

Applicant: William P. Davies Jr. and Patricia A. Davies
298 Beacon Street, Apt. 2
Boston, MA 02116

Location: 144 Curtis Lane, Moultonborough, NH (Tax Map 161, Lot 19)

On February 15, 2023, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of William P. Davies, Jr. and Patricia A. Davies (hereinafter referred to as the "Applicant" and/or "Owner") to obtain Variance from Article 3.2.2.3 of the Zoning Ordinance to permit the construction of an addition to an existing dwelling to be located 5-ft from the southern side property line at its closest point, where 20 feet is required on 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 144 Curtis Lane (Tax Map 161, Lot 19).
- 2) William P. Davies, Jr. and Patricia A. Davies are the owners of record for the lot.
- 3) The Applicants were represented by Attorney Christopher Boldt of Donahue, Tucker & Ciandella, PLLC.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in that district.
- 5) Prior to public input, the Zoning Board voted five (5) in favor (McDonough, DeMeo, Poloian, St. Peter, Stephens) that the proposal did not have the potential for Regional Impact.

- 6) The proposal is for the construction of an addition for an expanded master bedroom and Great Room to an existing dwelling to be located 5-ft at its closet point from the southern side property line where 20 feet is required.
- 7) The PSNH Power Lines have a 100-foot-wide right of way immediately adjacent to the Property line with the Southerly Abutting Lots 161-18.
- 8) One member of the public spoke to the Application for the variance, noting that he was not opposed to the Addition. The abutter requested the installation of screening/buffering for privacy along the length of the Addition.
- 9) Granting the Variance will not be contrary to the public interest as the easement area for PSNH prevents two structures from being built close to each other, therefore the Addition will not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public nor have a negative impact on the abutter and neighborhood.
- 10) Granting the Variance is consistent with the spirit of the Ordinance for the same reasons as listed above.
- 11) By granting the Variance, substantial justice is done as there would be a clear loss to the Applicant that is not outweighed by any gain to the community if the variance were denied. The variance will allow the Applicant to construct an addition to an existing dwelling.
- 12) Granting the Variance does not diminish the value of surrounding properties as the Addition will not change the character of the neighborhood, will be new construction, adding value to the Applicant's Property and with proper screening, will not negatively impact value of the abutter's property.
- 13) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the size, long rectangular shape and location of the Property, the fact that the Property has an existing concrete patio within 6 feet of the southerly boundary line/edge of the PSNH right of way; the location of the Addition will be in compliance with the Lake setback; and the Project has obtained the Shoreland Permit from NH DES. Finally, the Board felt it is reasonable to grant relief and allow the Addition to be constructed as presented, with the installation of a privacy buffer as discussed.

On February 15, 2023, the Zoning Board of Adjustment decided by a vote of five (5) in favor (St. Peter, Poloian, DeMeo, McDonough, Stephens) and none (0) opposed to grant the request for the Variance from Article 3.2.2.3 for William P. Davies, Jr. and Patricia A. Davies, Tax Map 161 Lot 19 to permit for the construction of an addition to be located 5 ft. at its closest point from the side property line setback where 20 ft. is required with the following conditions:

1. Project shall obtain necessary state and local permits and approval of a town building permit prior to commencing construction, and all conditions of such permits shall be perpetually complied with.

2. All necessary inspections shall be successfully completed, and receipt of a Certificate of Occupancy obtained from the Code Enforcement Officer prior to use.
3. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
4. The applicant and owner are solely responsible for complying with the conditions of approval.
5. Per RSA 674:33, approval expires on 2/14/2025 if use is not substantially acted on.
6. The applicant shall install a 6' minimum height screening along the length of the addition on the southerly side of the house from the easterly face to the westerly face prior to the issuance of a certificate of occupancy, and said buffer/screening shall be determined/designed and submitted as part of the building permit application.

Further, the Board voted to close the Public Hearing. They moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next meeting.

The Board of Adjustment, on March 15, 2023, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision, send to the applicant and place same in the case file by a vote of four (4) in favor (St. Peter, DeMeo, Poloian, Stephens), none (0) opposed, and one (1) abstention (Mills).

The decision made to grant the variance on February 15, 2023, 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

cc. Scott Dvorak – Building Inspector (by email only at sdvorak@moultonboroughnh.gov)
Map Lot Document File