



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

### **Notice of Decision**

#### **Request for Variance from Section 3.2.1**

**Walter C. Larson, Jr. Revocable Trust of 2013**

**& Sarah J. Larson Revocable Trust of 2013**

**Tax Map 131, Lot 30**

**March 16, 2022**

**Applicant: Walter C. Larson, Jr. Revocable Trust of 2013**

**Sarah J. Larson Revocable Trust of 2013**

**214 Academy Road**

**Pembroke, NH 03275**

**Location: 204 Wentworth Shores Road (Tax Map 131, Lot 30)**

On March 16, 2022 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Walter C. Larson Jr. Revocable Trust of 2013 & Sarah J. Larson Revocable Trust of 2013, Agent (hereinafter referred to as the "Applicant" and/or "Owner") for an application for a Variance from Moultonborough Zoning Ordinance Section 3.2.1 for the construction of a garage to be located 41'-2" at its closest point from the centerline of Wentworth Shores Road, where 50-ft is required, on a parcel located in the Residential/Agricultural 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 204 Wentworth Shores Road (Tax Map 131, Lot 30).
- 2) The Walter C. Larson, Jr. Revocable Trust of 2013 and the Sarah J. Larson Revocable Trust of 2013 are the Owners of record for the lot.
- 3) The lot is in the Residential Agricultural (RA) Zoning District.
- 4) The Applicant was represented by Attorney John Arnold of Orr & Reno, P.A.
- 5) The applicants are proposing to construct a new garage to be located 41.2' at its closest point from the centerline of Wentworth Shores Road.
- 6) The setback affected is fifty feet (50') from the centerline of the improved surface of any roadway used or intended for public travel where there is no defined or legally described right-of-way line.
- 7) The Board determined that the proposal did not represent a potential regional impact.

- 8) The proposed construction will require an approved NH DES Shoreland Impact Permit.
- 9) No members of the public spoke in favor of or against the application.
- 10) Granting the Variance would not be contrary to the public interest as the Board felt that the encroachment into the roadway setback did not alter the character of the neighborhood nor threaten the welfare, safety or health of the public because other neighborhood structures were similarly constructed and located at a similar distance to the roadway, and that it would be beneficial to the public interest of improving/maintaining water quality for the Lake as the garage will be located behind the 50-ft setback from the Lake and a portion of the location of the proposed garage is already paved.
- 11) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as stated in Item #10 above.
- 12) By granting the Variance, substantial justice would be done because there would be no gain to the public as the Variance would be beneficial for lake water quality by maintaining the required lake setback and would still allow the Applicant to construct a new garage and denying it would be a substantial injustice.
- 13) Granting the Variance would not diminish the value of surrounding properties as the new construction would not only be in keeping with other neighborhood garages but would also be new construction and therefore of a higher value.
- 14) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as Wentworth Shores Road bisects the Property, the location of the existing leach field, an access easement benefitting the adjacent property, and an underground septic line serving the on the property and the proposed use is reasonable.

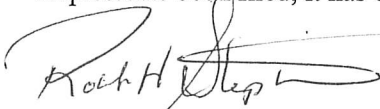
On March 16, 2022, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, St. Peter, DeMeo, Poloian, Mills) and none (0) opposed to grant the request for a variance from Section 3.2.1 for John Arnold, Orr & Reno as agent for Walter C. Larson, Jr. Revocable Trust of 2013 & Sarah J. Larson Revocable Trust of 2013, Tax Map 131 Lot 30, to construct a garage to be located 41'-2" at its closest point to the centerline of Wentworth Shores Road, subject to the following conditions:

1. Garage limits shall be located and pinned in accordance with this approval by a NH licensed surveyor prior to construction.
2. Project shall obtain necessary state and local permits, to include NH DES Shoreland approval and approval of a town building permit, and all conditions of such permits shall be perpetually complied with.
3. Garage shall only be used as accessory to the existing single-family use. Any future changes to the structure or its use shall be subject to required approvals.
4. An approved building permit must be obtained prior to commencing construction and all necessary inspections shall be successfully completed prior to use.
5. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
6. The applicant and owner are solely responsible to comply with conditions of approval.
7. Per RSA 674:33, approval expires on 3/16/2024 if use is not substantially acted on.

The Board 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 April 6, 2022, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of five (5) in favor (Stephens, St. Peter, DeMeo, Poloian, Mills), and none (0) opposed.

The decision made to Approve the variance on March 16, 2022, 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 (by email only at [sdvorak@moultonboroughnh.gov](mailto:sdvorak@moultonboroughnh.gov))  
Map Lot Document File

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