



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

Jessica D. Stanton 2018 Revocable Trust

Tax Map 186, Lot 16

September 16, 2021

Applicant: Jessica D. Stanton 2018 Revocable Trust
Michael J. and Jessica D. Stanton, Trustees
172 Hampshire Drive
Wellesley, MA 02481

Location: 3 Ridge Road, Moultonborough, NH (Tax Map 186, Lot 16)

On September 15, 2021, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Michael J. and Jessica D. Stanton, Trustees of the Jessica D. Stanton 2018 Revocable Trust (hereinafter referred to as the "Applicant" and/or "Owner") to obtain Variance from Article 3.2.3 of the Zoning Ordinance to permit the placement of a garage to be located 0.7-ft from the side property line 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 3 Ridge Road (Tax Map 186, Lot 16).
- 2) The Jessica D. Stanton 2018 Revocable Trust is the owner of record for the lot.
- 3) Jim Rines, White Mountain Survey & Engineering, presented the application for the variance.
- 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) The proposal is for the reconstruction & expansion of an existing non-conforming garage to be located 0.7-ft from the side property line where 20 feet is required and no closer to the road than existing garage.
- 6) The proposed garage will be two stories in height.
- 7) No members of the public spoke on the Variance request.

- 8) Granting the Variance will not be contrary to the public interest because the proposed addition will not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public because the request would not result in a lessening of the buffers, light or air between abutters, and other properties have the same kinds of encroachment and size similarities.
- 9) Granting the Variance is consistent with the spirit of the Ordinance for the same reasons as listed above.
- 10) 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 a new two story garage with living space above.
- 11) Granting the Variance does not diminish the value of surrounding properties as the new construction would serve to increase property values in the neighborhood and will meet the Bald Peak Colony Club Architectural review requirements.
- 12) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot is the narrowest in the neighborhood and the fact that Bald Peak will not allow the applicant to rebuild in another location as they consider the property historical.

On September 15, 2021, the Zoning Board of Adjustment decided by a vote of five (5) in favor (St. Peter, Poloian, DeMeo, Mills, Stephens) and none (0) opposed to grant the request for the Variance from Article 3.2.3 for the Jessica D. Stanton 2018 Revocable Trust, Tax Map 186, Lot 16 to permit the placement of a garage to be located 0.7-ft from the side property line where 20 feet is required with the following conditions:

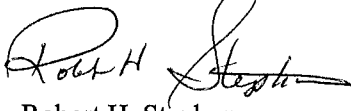
- A. Foundation corners shall be located and pinned by a NH licensed surveyor prior to construction.
- B. In addition to all other applicable building and life safety code requirements, the following requirements shall be upheld:
 - i. The southeasterly wall must be fire rated for one hour.
 - ii. No projections from the southeasterly wall are allowed.
 - iii. No openings are allowed in the southeasterly wall.
 - iv. Any penetrations of the wall or membranes must be to code.
- C. An approved building permit must be obtained prior to commencing construction and all necessary inspections shall be successfully completed prior to use.
- D. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
- E. The applicant and owner are solely responsible to comply with conditions of approval.
- F. Per RSA 674:33, approval expires on 9/15/2023 if use is not substantially acted on.

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 November 3, 2021, 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 five (5) in favor (St. Peter, Poloian, DeMeo, Mills, Stephens), none (0) opposed, and no (0).

September 15, 2021
TM 186-16

The decision made to grant the variance on September 15, 2021, 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. James Rines (by email only at (jrines@whitemountainsurvey.com)
Steve Zalewski (by email only at (szalewski@moultonboroughnh.gov)
Map Lot Document File

COPY



Town of Moultonborough
Land Use Department
6 Holland Street – P. O. Box 139
Moultonborough, NH 03254
(603) 476-2347 - Fax (603) 476-5835
e-mail: dsassan@moultonboroughnh.gov

October 19, 2022

Jessica D. Stanton 2018 Revocable Trust
Michael J. and Jessica D. Stanton, Trustees
172 Hampshire Drive
Wellesley, MA 02481

Re: Zoning Board of Adjustment Variance Amendment, 3 Ridge Rd, Tax Map 186, Lot 16

Dear Mr. & Ms. Stanton:

This letter is formal notification to you that at their regular meeting held on October 19, 2022, the Zoning Board of Adjustment considered your request to amend a condition of approval (B iii) originally imposed on September 15, 2021, where the ZBA granted the Variance from Section 3.2.3 of the MZO for your property located at 3 Ridge Road, Tax Map 186, Lot 16.

Upon careful review and discussion, the Board voted unanimously to determine that the five variance criteria remain satisfied in accordance with the Board's 9/15/21 determination, and to modify the conditions of approval as follows:

- 1) In addition to all other applicable building and life safety code requirements, the following requirements shall be upheld:
 - a. The southeasterly wall must be fire rated for one hour.
 - b. No structural projections from the southeasterly wall are allowed.
 - c. Any penetrations of the wall or membranes must be to code.
- 2) An approved building permit must be obtained prior to commencing construction and all necessary inspections shall be successfully completed 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 to comply with conditions of approval.
- 5) Per RSA 674:33, approval expires on 9/15/2023 if use is not substantially acted on.

If you have any questions or comments in this matter, please contact Dari Sassan, Town Planner at (603) 476-2347.

Yours truly,

Robert H. Stephens
Chairperson

cc: Scott Dvorak, Code Enforcement Officer (sdvorak@moultonboroughnh.gov)
Map Lot Document file