



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Appeal from Administrative Decision by Code Enforcement Officer, "stop work" order posted on site on 12/21/18 and revocations of Permits 8131 and 8132

February 7, 2019

Applicant: Gramercy, LLC
PO Box 896

Hanover, NH 03755

Location: 61 Norway Point Road, Moultonborough, NH (Tax Map 243 Lot 28.3)

On February 6, 2019, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Gramercy, LLC (hereinafter referred to as the "Applicant" and/or "Owner") for an Appeal of an Administrative Decision by the Code Enforcement Officer's "stop work" order posted on site on 12/21/18 and related 12/26/18 determinations and revocations of permits 8131 and 8132

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 61 Norway Point Road, Moultonborough, NH (Tax Map 243, Lot 28.3).
- 2) The applicant is the owner of record for the lot.
- 3) The applicant was represented by Atty. Chris Cole of Sheehan Phinney Bass & Green, PA.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The Applicant's contractor, James DePaolo of Denali Construction, applied for a demolition permit for "selective demolition" of the preexisting home at the property and building permit for the project.
- 6) The Code Enforcement Officer (CEO), Steve Zalewski, issued Demolition Permit No. 8131 for "selective demolition" of the existing structure as described in the building plans, and described on the Demolition Permit No. 8131 on
- 7) The Code Enforcement Officer, Steve Zalewski, issued Building Permit No. 8132 on November 7, 2018.
- 8) Atty. Cole argued for the Applicants. He stated the appeal is of the Code Enforcement Officer's "stop work" order posted on site on 12/21/18 and related 12/26/18 determinations and revocations of permits 8131 and 8132.

- 9) Atty. Cole also argued that there was a miscommunication between Mr. DePaolo and the CEO regarding the demolition of the entire preexisting home resulting in the issuance of the "stop work" order.
- 10) Code Enforcement Officer Steve Zalewski stated that Mr. DePaolo, did not notify him (CEO Zalewski) of the intended demolition of the entire building and further, Mr. DePaolo knew fully that the removal was not allowed. CEO Zalewski stated he never gave permission to remove the pre-existing building in its entirety as he does not have the authority to do so. He gave a brief history of the issuance of the demolition permit (#8131) and the building permit (#8132). In closing Mr. Zalewski urged the Board to deny the appeal as requested.
- 11) Based on the evidence presented, the Board took final action at the meeting of February 6, 2019. The Board of Adjustment closed the Public Hearing on February 6, 2019. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, St. Peter, Jenny, Onthank, Buy) and none (0) opposed, to deny the Applicant's appeal and uphold the "stop work" order issued by the Code Enforcement Officer on 12/21/18 and the revocations of permits 8131 and 8132 for Map 243, Lot 28.3 located at 61 Norway Point Road.



Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date

5/13/19

