



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

### **Notice of Decision**

#### **Request for Variance**

**The Elizabeth Kreick Revocable Trust/Map 194, Lot 4**

**January 8, 2019**

**Applicant:** **The Elizabeth Kreick Revocable Trust**  
**C/O Bradley Kreick**  
**1617 Southwood Drive, Suite 200**  
**Nashua, NH 03063**

**Location:** **242 Krainewood Drive, Moultonborough, NH (Tax Map 194, Lot 4)**

On December 19, 2018, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of The Elizabeth Kreick Revocable Trust (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article IV.G to construct a portion of a proposed tennis court in the protected shoreland with no net increase in impervious coverage but exceeding the 20% coverage without any replanting of the waterfront grids on the parcel located in the Residential Agricultural (RA) Zoning District.

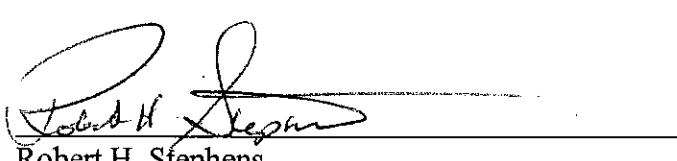
Based on the application, testimony given at the hearings, additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 242 Krainewood Drive, Moultonborough, NH (Tax Map 194 Lot 4).
- 2) The applicant is the owner of record for the lot.
- 3) Jim Rines of White Mountain Survey & Engineering, Inc. 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 applicant is proposing to construct a portion of a proposed tennis court in the protected shoreland with no net increase in impervious coverage but exceeding the 20% coverage without any replanting of the waterfront grids.
- 6) Mr. Rines presented a plan which depicts the 250 foot and 50 foot waterfront buffer, showing they have eliminated a tree house, converted a portion of the existing driveway back to vegetation and converting another portion of the driveway to pours gravel, and stating there will be no change in impervious surface,

- 7) The applicant is proposing the installation of an infiltration trench picking up stormwater runoff from the proposed tennis court.
- 8) No members of the public spoke to the Variance request.
- 9) Granting the Variance would not be contrary to the public interest because granting the variance does not alter the residential character of the neighborhood nor threaten the welfare, safety or health of the public.
- 10) Granting the Variance would be consistent with the spirit of the Ordinance because the proposed use does not alter the residential character of the neighborhood.
- 11) By granting the Variance, substantial justice would be done because there is no public benefit to be gained by requiring the applicant to plant trees within 50 feet of the lake, while the loss to the applicant would be greater by denying the recreational use of the applicant's property.
- 12) Granting the Variance would not diminish the value of surrounding properties as the proposed tennis court is a contribution to raising the value of the subject property and thereby increasing neighborhood valuations.
- 13) Special conditions exist for the subject property, such that a literal enforcement of the provision of the Ordinance will result in unnecessary hardship. The applicant cannot plant trees within 50 feet of the lake as there is already extensive development of the house and driveway within the 50-foot setback area of the lake.
- 14) On December 19, 2018, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, DeMeo, Jenny, Buy) and none (0) opposed to grant the request for the variance to allow an increase in lot coverage without any replanting of waterfront grids, with the following conditions: The location of the tennis court to be pinned before and the location certified upon completion and shall be in accordance with the engineered drawings submitted as part of testimony, and further 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 January 16, 2019, 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 four (4) in favor (Stephens, Bickford, DeMeo, Jenny), none (0) opposed and one (1) abstention (St. Peter).

The decision made to grant the variance on December 19, 2018, 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 H. Stephens  
Chairman, Zoning Board of Adjustment

Date 1/16/19