



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Variance** **Steven J. & Michelle Hall** **Map 166, Lot 7**

February 22, 2018

Applicant: Steven & Michelle Hall
120 Pratts Mill Road
Sudbury, MA 01776

Location: Rose Lane & Driftwood Drive, Moultonborough, NH (TM 166-7)

On February 21, 2018, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Steven & Michelle Hall (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III. General Provisions to allow for the construction of an accessory structure (40' x 80' garage) as the principal building on the lot for the parcel located in the Residential Agricultural (RA) Zoning District.

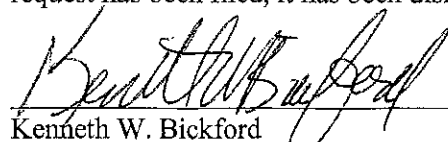
Based on the application, testimony given at the hearing, and supporting documentation, the Board hereby makes the following findings of fact:

- 1) The property is located at the corner of Rose Lane and Driftwood Drive, Moultonborough, NH (Tax Map 166, Lot 7).
- 2) Steven & Michelle Hall are the owners of record for the lot.
- 3) Steven Hall presented the application for the variance.
- 4) The lot is in the Residential Agricultural (R/A) Zoning District, and residential use is a use allowed by right in that district.
- 5) The proposal for the construction of an accessory structure (40' x 80' garage) as the principal building on the lot.
- 6) Abutter Joanne Woodward commented while she was not opposed to the project, she would like the garage to be aesthetically pleasing to the neighborhood.
- 7) Abutter Wendy McNaughton noted her concerns regarding the wetland which is on both her property and the Hall property. She questioned the placement of the building.
- 8) James Morin, 81 Driftwood Drive, noted there are a lot of wetlands on the property, with an unidentified natural spring on the site which flows year-round. He noted his concerns regarding the impact on the residential area and the wetlands.

- 9) With the conditions applied, granting the Variance would not be contrary to the public interest as the proposed construction will not alter the essential character of the neighborhood.
- 10) With the conditions applied, granting the Variance would be consistent with the spirit of the Ordinance because the proposed construction will not alter the essential character of the neighborhood.
- 11) With the conditions applied, by granting the Variance, substantial justice would be done because there is no public benefit to be gained by denying the variance.
- 12) With the conditions applied, granting the Variance would not diminish the value of surrounding properties as it would be new construction, therefore increasing the value of the subject property and thereby increasing neighborhood valuations.
- 13) The Zoning Board of Adjustment agreed with the Applicant's assertion that the proposed use is a reasonable one because it is consistent with the essential character and appearance of the area and will in fact improve the overall appearance of the area by improving an overgrown and unmaintained parcel, while providing for a positive, productive, yet largely passive land use. The Zoning Board further found that the proposed building is consistent with other recently built structures in the area and also found that the proposed use is a reasonable one as proposed with the conditions applied.
- 14) On February 22, 2018, the Zoning Board of Adjustment voted by a vote of three (3) in favor (St. Peter, DeMeo, Hopkins) and two (2) opposed (Bickford, Jenny), to grant the request for the variance for the construction of an accessory structure (40' x 80' garage) as the principal building on the lot with the following conditions; 1) That the owners submit a site plan prepared by a Licensed Land Surveyor showing the footprint location of any existing or proposed residential or garage structure and showing that the proposed garage structure complies with all setback requirements of the Moultonborough Zoning Ordinance, including, but not limited to, property line setbacks and wetland setbacks; 2) That the Licensed Land Surveyor's stamp and signature be added to said site plan; 3) That the garage building only be used for the indoor storage of the property owners' personal property; 4) That there be no outdoor storage of materials or personal property on the property; 5) That the property owner be limited to one driveway curb cut at the location shown on the plan submitted with the variance application; 6) That the owners maintain a vegetated buffer along all property lines for a minimum depth of 50 feet. The only exception to this buffer requirement is where the proposed driveway is located on the plan submitted by the applicant; 7) That the applicant submits the site plan to the Moultonborough Land Use Department prior to the issuance of a Building Permit; 8) All best stormwater water management practices be employed, to include a "French Drain" for roof water runoff mitigation; 9) No commercial use; 10) This Notice of Decision shall be recorded at the Carroll County Registry of Deeds; 11) Metal siding to be used; 12) The building/garage may not be a habitable structure, 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 March 21, 2018, approved this formal Notice of Decision language and authorized the Vice-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 (Bickford, St. Peter, DeMeo, Jenny) and one (1) abstention (Stephens).

The decision made to grant the variance on February 21, 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.


Kenneth W. Bickford
Vice-Chairman, Zoning Board of Adjustment

Date 3/23/18