



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision Request for Variance Squam Byrne, LLC Tax Map 13, Lot 1

December 21, 2017

**Applicant: Squam Byrne, LLC
26 Driftway Lane
Darien, CT 06820**

Location: Bean Road, Moultonborough, NH (Tax Map 13, Lot 1)

On November 15, 2017 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Squam Byrne, LLC (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III. B (4) to allow for removal of the existing bath house and path and new construction of a bath house on the parcel located in the Residential/Agricultural (RA) Zoning District to be located with the required lake setback.

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 Bean Road (Tax Map 13, Lot 1).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public Hearing by Nicol Roseberry of Ames Associates.
- 4) The lot is located in the Residential/Agricultural (RA) Zoning District.
- 5) The proposal is for the removal of the existing bath house and wood walkway, and replace it with a 12' x 16' bath house.
- 6) The existing bath house and path are located within the fifty (50) foot lake setback.
- 7) The proposed twelve (12) foot by sixteen (16) foot bath house will be further away from the lake than the existing bath house, but shall remain within the fifty (50) foot lake setback.

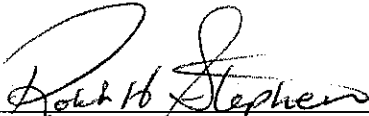
- 8) On November 15, 2017, the ZBA voted 5-0 to conduct a Site Visit at the location on November 17, 2017, and to continue the Public Hearing to December 6, 2017.
- 9) On December 6, 2017 the Applicant's Agent requested a continuation of the Public Hearing as there was not a full-board of five. The ZBA voted to continue the Public Hearing to December 20, 2017.
- 10) The property is between Squam Lake and Bean Road and is a narrow strip of land running the length of the lake and road. As such, there is limited area on the parcel to locate the structure, and relocation would likely impact the required road setback.
- 11) There shall be no increase in the amount of impervious area from the existing condition of the site.
- 12) The proposed location of the new bathhouse will be approx. 35 feet from the lake.
- 13) The existing bathhouse is located approx. 16 feet from the lake.
- 14) The proposed bath house shall be less non-conforming than the existing bath house.
- 15) No members of the public wished to speak on the application.
- 16) Granting the Variance will not be contrary to the public interest as the use of the lot as a bath house in the past and the proposed new bath house will have no noticeable impact on the public from the previous use and the new bath house will be located further from the shoreline. It will not alter the essential character of the neighborhood as it will be like other accessory structures in the neighborhood.
- 17) Granting the Variance is consistent with the spirit of the Ordinance as the proposal is making the structure less non-conforming than what currently exists, and the new construction will improve water quality through best management practices.
- 18) By granting the Variance, substantial justice is done as the proposed bath house location will improve the setback to the shoreline by 19', while if denied, the loss to the applicant would be great.
- 19) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of split lots with limited frontage along Squam Lake and similar lake amenities are located on these lots.
- 20) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as this is an existing, non-conforming lot of record where the lot size and location were pre-existing to zoning and create a very small available building envelope. The new bath house offers greater protection of the shoreline and will be less non-

conforming. The proposed use is a reasonable one as moving it further back make it less functional and substantially reduces its value.

21) On December 20, 2017, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Bickford, St. Peter, DeMeo, Jenny, Hopkins) and none (0) opposed, to grant the request for the variance for the construction of a 12' x 16' bath house located 35' from the shoreline with the following conditions: 1) The proposed bath house cannot be converted into a bunkhouse or used as habitable space. 2) The bath house cannot be connected to water or septic. 3) The bath house be constructed using best management practices. 4) There may be no future expansion of the bath house. 5) The Notice of Decision shall be recorded at the Carroll County Registry of Deeds, 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 03, 2018, 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 three (3) in favor (St. Peter, DeMeo, Jenny) none (0) opposed and one (1) abstention (Stephens).

This decision 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

Date 1-3-18

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