



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision
Request for Variance
Gerard T. Siragusa Sept 1998 Rev. Trust &
Elizabeth M. Siragusa Sept 1998 Rev. Trust
Tax Map 194, Lot 30

November 16, 2017

Applicant: **Gerard & Elizabeth Siragusa**
49 South Main Street
Derry, New Hampshire 03038

Location: **125 Eagle Shore Road, Moultonborough, NH (Tax Map 194, Lot 30)**

On November 15, 2017, the Moultonborough Zoning Board of Adjustment opened a public hearing on the application of Gerard & Elizabeth Siragusa (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III.B.4 to allow the construction of a shed with bath house to be located 20 feet from the reference line (lake shorefront) where 50 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 125 Eagle Shore Road, Moultonborough, NH (Tax Map 194, Lot 30).
- 2) The Owner of record for the lot is Gerard T. Siragusa Sept 1998 Rev. Trust & Elizabeth M. Siragusa Sept 1998 Rev. Trust.
- 3) The lot is located in the Residential/Agricultural (RA) Zoning District.
- 4) The applicant was represented by Nicol Roseberry from Ames Associates.
- 5) Gerard & Elizabeth Siragusa and Michael Siragusa were present in the audience for the hearing.
- 6) The applicants are proposing to remove two existing sheds in the same area that are currently located 9' from the property line and 16.5' from the shoreline. The proposed bath house/shed will meet the 20' sideline setback and be located 20' from the shoreline where 50' is required.
- 7) The bath house/shed is limited to 12' in height.

- 8) The project will require an approved NH DES Permit by Notification and a NH DES Approval for Operation of Individual Sewage Disposal System (ISDS).
- 9) The bath house shed will have bathroom facilities which will be a part of the newly designed septic system which will require NH DES approval and must be constructed and installed.
- 10) The ZBA had concerns at the November 15th, 2017 with meeting the criteria for Unnecessary Hardship. They applied NH RSA 674:33 to the Variance request, not requiring a sunset clause for the project.
- 11) No members of the public wished to speak during the Public Hearing.
- 12) Granting the Variance would not be contrary to the public interest as it would not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public because the bath house/ shed will become less non-conforming, meeting the sideline setback and moving it back 3.5' from the shoreline.
- 13) Granting the Variance would be consistent with the spirit of the Ordinance because the bath house/ shed will become less non-conforming, meeting the sideline setback and moving it back 3.5' from the shoreline.
- 14) By granting the Variance, substantial justice would be done because there would be no gain to the public benefit while the loss to the applicant would be great.
- 15) Granting the Variance would not diminish the value of surrounding properties as it will be new construction increasing the value of the surrounding properties.
- 16) Based on the needs of the Applicant's wheel-chair bound handicapped son, the Board recognized his disability. Therefore, not taking the criteria for unnecessary hardship into consideration.

On November 15, 2017, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, St. Peter, DeMeo, Jenny) and none (0) opposed to grant the request for a variance with the following conditions: 1) The proposed bath house/shed cannot be converted into a bunkhouse or bedroom. 2) That all necessary State approvals be obtained. 3) The Bath house being constructed using best management practices. 4) The Notice of Decision shall be recorded at the Carroll County Registry of Deeds, and further, to close the Public Hearing.

The Board of Adjustment, on December 6, 2017, 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, DeMeo, Jenny, Hopkins) and none (0) opposed.

The decision made to Approve the variance on November 15, 2017 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 12/8/17