



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

### **Notice of Decision Request for Variance Walter C. Jr. & Sarah J. Larson/Map 131, Lot 30**

**November 17, 2016**

**Applicant:** **Walter C. Jr. & Sarah J. Larson  
214 Academy Road  
Pembroke, NH 03275**

**Location:** **204 Wentworth Shores Road, Moultonborough, NH (Tax Map 131, Lot 30)**

On November 16, 2016, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Walter C. Jr. & Sarah J. Larson (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III. B (4) to permit the construction of a screened deck 32' from the lake setback line, and an open deck 27' from the lake setback line, where a 50' setback 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 204 Wentworth Shores Road, Moultonborough, NH (Tax Map 131, Lot 30).
- 2) The applicants are the owners of record for the lot.
- 3) The applicant was represented at the Public Hearing by Ashley Rowe of Geometres Blue Hills, LLC.
- 4) The lot is in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in that district.
- 5) The proposal is for the construction of a screened deck 32' from the lake setback line, and an open deck 27' from the lake setback line, where a 50' setback is required.
- 6) No members from the audience spoke to this application.
- 7) Granting the Variance would not be contrary to the public interest as the proposed construction will not alter the essential character of the neighborhood because it would be similar to the other dwellings in the neighborhood, improve water quality through best management practices, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.
- 8) 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 because it would be similar to the

other dwellings in the neighborhood, improve water quality through best management practices, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.

- 9) By granting the Variance, substantial justice would be done because there is no public benefit gained as it allows the homeowner to renovate the existing non-conforming structure, while addressing lake water quality concerns through infiltration mitigation.
- 10) Granting the Variance would not diminish the value of surrounding properties as the proposed reconstruction of the deck will increase the value of the subject property and thereby increasing neighborhood valuations.
- 11) There is an unnecessary hardship owing to special conditions of the property that distinguishes it from other properties in the area because of the unique shape of the lot, a peninsula results in the lake setbacks being applicable on two sides of the dwelling, and that the variance is necessary to enable the reasonable use as a residential property.

On November 16, 2016, the Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, Bickford, Zewski, St. Peter) and one (1) opposed (Nolin) to grant the request for a variance with the following conditions: 1) All best management practices be employed and to be shown a plan designed by a Certified Wetland Scientist that includes a stone drip edge around the entire deck, under all of the deck and to extend one (1) foot beyond the deck; 2) The plan to be submitted to the Office of Development Services prior to the issuance of a building permit; 3) This 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 7, 2016, 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 five (5) in favor (Stephens, Nolin, St. Peter Jenny, DeMeo) and none (0) opposed.

The decision made to Approve the special exception on November 16, 2016 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

Date 12/12/16