



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision Request for Variance

Elizabeth and Scott Dolfi/Map 188, Lot 30

February 1, 2012

Applicant: **Elizabeth & Scott Dolfi**

PO Box 1040

Moultonborough, NH 03254

Location: **80 Wyman Trail, Moultonborough, NH (Tax Map 188, Lot 30)**

On January 18, 2012 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Elizabeth and Scott Dolfi (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III, B (4) to allow for construction of a single 8.4' x 15.5' shed located 6.9' from the shoreline as measures from the eave overhang and 7.4' as measured from the corner of the structure for 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 80 Wyman Trail (Tax Map 188, Lot 30).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public Hearings by Dan Ellis of Ames Associates.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) Nicole Roseberry, ZBA Member, recused herself from this application.
- 6) The applicants are proposing construction of a new 8.4' x 15.5' shed located 6.9' from the shoreline as measures from the eave overhang and 7.4' as measured from the corner of the structure.
- 7) There are two existing sheds (6.2' x 8.2' and 7.4' x 11.1') that are currently located within 4' of the shoreline and will be removed. The sheds serve as storage for water-based recreational items.
- 8) The existing sheds are located at the reference line, and 4 ft. from the shore and have aggregate total area of 132.98 square ft, and the proposed shed is to be located 6.9' from the shoreline as measures from the eave overhang and 7.4' as measured from the corner of the structure, and is 130.2 square ft.

- 9) Mr. Ellis stated if they were to place the shed greater than 50' from the shoreline it would require carrying water-based recreational items, such as kayaks, up-and-down a significant slope, twenty stairs, to access storage.
- 10) The Applicant has received a Shoreland Impact Permit (2011-00385) from the NH DS.
- 11) There are no trees proposed to be removed for the construction of the new shed.
- 12) Suitable non-invasive species of vegetation shall be planted in the old foot print of the two sheds to be removed to preclude human use of the footprint of said sheds, therefore not increasing the beach area.
- 13) No members of the public spoke against the Variance request.
- 14) Granting the Variance will not be contrary to the public interest as the shed will be located at an increased distance to the shoreline relative to that of the two existing sheds, and the square footage is less than the total of the two existing sheds to be removed.
- 15) Granting the Variance is consistent with the spirit of the Ordinance as the intent of the ordinance is to protect water quality and visual beauty.
- 16) By granting the Variance, substantial justice is done.
- 17) Granting the Variance does not diminish the value of surrounding properties as the shed will be visually-pleasing, set further from the shoreline, and better-screened from the waterfront relative to the two older sheds located closer to the shoreline, which will be removed.
- 18) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as there are special conditions of the property, such as topography, and relocating the structure outside of the lake setback would result in carrying water-based recreational items, such as kayaks, up-and-down a significant slope, twenty Stairs, to access storage.
- 19) The Zoning Board of Adjustment voted by a vote of three (3) in favor (Stephens, Nolin, Crowe), two (2) opposed (Hopkins, Bickford), to continue the Public Hearing to February 1, 2012, and to direct Staff to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the February 1, 2012 Regular Meeting.

The Public Hearing was continued to February 1, 2012. The Board of Adjustment closed the Public Hearing on February 1, 2012. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of three (3) in favor (Stephens, Nolin, Crowe), two (2) opposed (Hopkins, Bickford), to **GRANT** the request for variance.

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.

Date _____

Robert H. Stephens
Chairman, Zoning Board of Adjustment