



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception – Section 7.5.5.5

Guy A. Pederzani, Jr. & Candace C. Pederzani

Map 200, Lot 43

March 6, 2024

Applicant: **Guy A. Pederzani, Jr. & Candace C. Pederzani**
141 Swallow Point Road
Moultonborough, NH 03254

Location: **141 Swallow Point Road, Moultonborough, NH (Tax Map 200, Lot 43)**

On March 6, 2024, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Guy A. Pederzani, Jr. & Candace C. Pederzani (hereinafter referred to as the “Applicant”) for an application for a variance under MZO Section 3.2.2.3 & 3.2.2.4 to construct a more conforming new home on the property to be located no closer than 19 ft. from the southeasterly boundary line where 20 ft. is required and no closer than 19.7 ft. from the lake setback, where 50 ft. is required on a parcel located in the Residential/Agricultural, within the Groundwater Protection District. As further detailed below, the Board exercised its authority to determine whether the requested relief was necessary, and accordingly determined that the proposal was eligible for approval by special exception pursuant to Zoning Article 7.5.5.5.

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

- 1) The property is located at 141 Swallow Point Road, Moultonborough, NH (Tax Map 200, Lot 43).
- 2) Guy A. Pederzani, Jr. and Candace C. Pederzani, Trustees of the Guy and Candace Pederzani 2020 Trust are the owners of the record for the lot.
- 3) The lot is located in the Residential/Agricultural, within the Groundwater Protection District.
- 4) Prior to public input, the Zoning Board of Adjustment voted five (5) in favor (Mills, McDonough, Jakobsen, Poloian, Stephens) and none (0) opposed that the proposal did not have the potential for Regional Impact.
- 5) The proposal is to remove portions of existing non-conforming residence and construct an addition which encroaches the side and waterfront setbacks.

- 6) Member Mills stated the variance application as submitted was not the correct application for relief.
- 7) Members agreed that the correct application for the relief being sought would be a special exception.
- 8) The Applicants were represented by Attorney Christopher Boldt of Donahue, Tucker & Ciandella, PLLC.
- 9) The square footage from existing lot coverage to proposed lot coverage is a reduction.
- 10) The applicants have received an Amended Shoreland Permit (2023-01944) for the project.
- 11) One member of the Conservation Commission noted the Commissions concern with the proposed addition being in close proximity to the wetlands and recommended that a stormwater management plan be developed for the runoff.
- 12) The special exception will result in harmony with the general purpose and intent of the zoning ordinance of the Town of Moultonborough.
- 13) The special exception will be in accordance with the general and/or specific rules contained in the ordinance of the Town of Moultonborough.
- 14) The application meets all the requirements for a Special Exception under Section 7.5.5.5.

On March 6, 2024, the Zoning Board of Adjustment decided by a vote of five (5) in favor (Mills, McDonough, Jakobsen, Poloian, Stephens) and none (0) opposed, to grant the request for a special exception with the following conditions:

- 1) Structure limits shall be located and pinned in accordance with this approval by a NH licensed surveyor prior to construction.
- 2) Project shall obtain necessary state and local permits, to include approval of a town building permit, and NH DES Shoreland approval. All conditions of such permits shall be perpetually complied with, and all necessary inspections shall be successfully completed prior to use.
- 3) Project shall comply with all state and local shoreland, timber and wetlands requirements, including setbacks, buffers, planting requirements, vegetation removal restrictions and impervious surface limitations.
- 4) All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
- 5) The applicant and owner are solely responsible for complying with conditions of approval.
- 6) Per RSA 674:33, approval expires on 3/6/2026 if use is not substantially acted on.

Further, the Board voted 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 20, 2024, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision, send to the applicant and place same in the case file by a vote of four (4) in favor (McDonough, Jakobsen, Poloian, Stephens), one (1) abstention (DeMeo).

The decision made to grant the variance on March 6, 2024, 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

cc. Scott Dvorak – Building Inspector (by email only at sdvorak@moultonboroughnh.gov)
Christopher Boldt, Esq. (by email only at cboldt@dtclawyers.com)
Map Lot Document File

