Moultonborough Zoning Board of Adjustment  
P.O. Box 139  
Moultonborough, NH 03254

Regular Meeting  
December 18, 2019

Minutes

Present:   Members:  Bob Stephens, Ken Bickford, Robert St. Peter, Richard Jenny  
Alternate: Steve Buy, Jerry Hopkins  
Excused:   Member:  Nick DeMeo  
Staff Present:  Interim Town Planner, Bruce Woodruff; Administrative Assistant, Bonnie L. Whitney

I.  Call to Order

Chairman Stephens called the meeting to order at 7:00 PM and led the Pledge of Allegiance. He then introduced the members of the Board and Staff to the public. Mr. Stephens appointed Jerry Hopkins to sit on the Board with full voting privileges in place of member Nick DeMeo.

II.  Pledge of Allegiance

III.  Approval of Minutes

Motion: Mr. Bickford moved to approve the Zoning Board of Adjustment Minutes of November 6, 2019 as written, seconded by Mr. Jenny. 4 – Ayes (Stephens, Bickford, St. Peter, Jenny), 1 -Abstention (Hopkins). The motion carried.

Motion: Mr. Hopkins moved to approve the Zoning Board of Adjustment On-site Minutes of December 14, 2019 as written, seconded by Mr. Jenny. 3 – Ayes (Bickford, Jenny, Hopkins), 2 -Abstentions (Stephens, St. Peter). The motion carried.

IV.  Hearings

1.  Continuation of Public Hearing —Peak Index, LLC (183-1) (1277 Gov. Wentworth Highway)  
    Special Exception – V.I.C (Table of permitted uses) & MZO Article VI.E

    Attorney James P. Cowles, agent for Peak Index, LLC was present this evening and requested a continuance of this evening’s public hearing to the Wednesday, February 5, 2020 meeting of the Zoning Board of Adjustment. The continuance is necessary so that the Applicant has enough time to prepare a plan and as Town Counsel was not able to attend this evenings meeting.

    Motion: Mr. Stephens moved to grant the request for continuance for Peak Index, LLC (183-1) (1277 Governor Wentworth Highway) to February 5, 2020 to allow the Applicant enough time to prepare a plan. Seconded by Mr. Hopkins, carried unanimously.

2.  Clubhouse Motorsports, LLC (23-38) (1172 Whittier Highway)  
    Special Exception for Commercial Use – Article VI Paragraph D & E

    Chairman Stephens noted that this was an application for a special exception from Article VI, Paragraph D & E to allow for storage, service, sales and repair of motorcycles, snowmobiles, and all-terrain vehicles, as well as accessories for these vehicles.
Eric Colbath presented the application for special exception. Mr. Colbath noted the owner of the property is the Rudolph S. Steinsky Rev. Trust of 1998 and the Veronica H. Steinsky Rev. Trust of 1998 and that he is a tenant in the building. The property is located off Route 25. The proposed use is for the storage, service, sales and repair of motorcycles, snowmobiles, all-terrain vehicles and accessories for these vehicles. Mr. Colbath stated that he would be leasing one half of the two-unit structure. Mr. Colbath stated that he has operated his business in the adjacent building at 1180 Whittier Highway for the past nine years. He was not aware of the need for approval to move next door. Mr. Colbath noted that they are requesting to include the sales of motorcycles, snowmobiles, and all-terrain vehicles in addition to storage, service and repair as approved on the abutting property.

Planner Woodruff stated for the record that there is an existing site plan on file that was recently approved by the Planning Board. The proposed change would not require Mr. Carlson to appear before the Planning Board but added an updated plan to reflect an “As-Built” of the site would be necessary for the file to document this change. There are no significant changes to the site. Mr. Woodruff noted the Board may wish to verify that the septic loading on the recently constructed system (2018) for the change of use from contractor business/storage to the new use of motorcycle sales-service-repair-storage remains adequate, and verify that the applicant has applied for an amended NHDOT Driveway permit that changes the use(s) on the lot.

The Chair asked for board questions or comments.

Mr. Hopkins questioned the disposal of fluids. Mr. Colbath stated that he collects the used motor oil and it is stored in 55 gallon drums, which he contributes approximately 75 gallons a year to the Town of Moultonborough Transfer Station for their waste oil furnace. Most of the antifreeze is recycled. There is a small amount that he collects and is taken to the Household Hazardous waste day once every 2-3 years that amounts to approximately 4 gallons.

Mr. Woodruff referred to his December 11, 2019 email in which he had the following suggested conditions of approval of the Special Exception (should the Board so vote): 1) Revise note 9-proposed uses, on the existing as-built plan to add the reference to the special exception and use; 2) Revise note 11-parking requirements, on the existing as-built plan to reflect the change in use for the parking calculations; 3) Obtain an amended NHDOT Driveway permit prior to receiving a Certificate of Occupancy; 4) Revise note 13 on the existing as-built plan to add the required amended Driveway permit number; 5) Resubmit the revised As-Built Site Plan to the Land Use Dept.

The Board questioned the number of employees there were. Mr. Colbath stated just himself at this time and perhaps one in addition to himself in the spring.

Mr. Stephens opened the public hearing to the public, noting there was not input. The Chair closed the public input portion of the hearing.

The Chairman asked if there were any additional questions from the board. It was noted that there were none. The board went into deliberative session to discuss each of the criteria for the granting of a special exception at 7:14 PM and came out at 7:17 PM.

During deliberative session, the Members discussed each of the criteria for the granting of a special exception for the commercial use. Members noted that each criterion met the standards of the criteria or will meet the criteria based input of Mr. Colbath stating he would have four (4) fire extinguishers in his unit.

There was no further input from the Board or public. The voting members were Bob S., Ken, Rob, Richard and Jerry.
Motion: Mr. St. Peter moved to grant the request for a special exception for Clubhouse Motorsports, LLC, Tax Map 23 Lot 38 to permit the storage, service, sales and repair of motorcycles, snowmobiles, and all-terrain vehicles, as well as accessories for these vehicles with the following conditions: 1) Revise note 9-proposed uses, on the existing as-built plan to add the reference to the special exception and use; 2) Revise note 11-parking requirements, on the existing as-built plan to reflect the change in use for the parking calculations; 3) Obtain an amended NHDOT Driveway permit prior to receiving a Certificate of Occupancy; 4) Revise note 13 on the existing as-built plan to add the required amended Driveway permit number; 5) Resubmit the revised As-Built Site Plan to the Land Use Dept., and further to close the public hearing and to direct staff to draft a formal Notice of Decision for Board discussion only, based on the Finding of Facts during tonight’s hearing, which will be reviewed for accuracy only and signed by the Chair at the next scheduled meeting, seconded by Mr. Jenny, carried unanimously.

Mr. Stephens noted the right to appeal in accordance with NH RSA 677:2 would begin tomorrow.

V. Correspondence

VI. Unfinished Business

VII. Adjournment

Motion: Mr. St. Peter made the motion to adjourn at 7:22 PM, seconded by Mr. Stephens, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant