



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance – Article IX.A (d & h) & VII.E.1 Paula Anna Markus Foundation /Tax Map 91, Lot 2

July 15, 2020

Applicant: **Paula Anna Markus Foundation**

Paula Anna Markus Trustee

Bank of America

c/o Douglas Bechtel

100 Federal St, MA5-100-04-05

Boston, MA 02110

Location: **183 Lees Mill Road (Tax Map 91, Lot 2)**

On July 15, 2020 the Zoning Board of Adjustment of the Town of Moultonborough held a remote public hearing on the application of the Paula Anna Markus Foundation, Paula Anna Markus Trustee c/o Douglas Bechtel/Bank of America For the Loon Preservation Center (hereinafter referred to as the “Applicant” and/or “Owner”) for an application for a variance from Moultonborough Zoning Ordinance Article IX.A. to permit a 20’ x 40’ addition to an existing structure within the wetland buffer on a parcel located in the Residential/Agricultural Zoning District at 183 Lees Mill Road.

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 183 Lees Mill Road (Tax Map 91, Lot 2)
- 2) The Paula Anna Markus Foundation is the owner of record for the lot.
- 3) The Applicant was represented by Carl R. Johnson, Jr. LLS #794.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) A portion of the lot is located in the Ground Water Protection Overlay District.
- 6) The existing site contains a wildlife sanctuary and loon preservation center with a gift shop. A new building is proposed for seasonal residential and storage use, and a 20’ x 40’ addition to an existing building.
- 7) The proposal is for the construction of a 20’ x 40’ addition to an existing structure.
- 8) The Application was amended to include relief from Article IX.A (d & h) and Article VII.E.1.

- 9) One (1) abutter spoke in favor of the project as well as submitting a letter in favor of the application.
- 10) Granting the Variance would not be contrary to the public interest as the proposed addition will not alter the essential character of the neighborhood because the existing building, accessway and parking already exist within the buffer. Noting that since 1993 there have been no adverse effects to the wetlands.
- 11) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as stated above, and the proposed addition does not threaten the public health, safety, or welfare due to stormwater treatment measures.
- 12) By granting the Variance, substantial justice would be done because there is no public benefit gained as it allows the property owner to construct an addition to an existing building in the only practical location. The proposed configuration is reasonable and does not cause any harm to the abutters or the public. There would be no gain to the public benefit by denying the variance.
- 13) Granting the Variance would not diminish the value of surrounding properties as the proposal is for the construction of a small addition to an existing building with no change in use. There is no detrimental effect on any of the surrounding properties.
- 14) An unnecessary hardship owing to special conditions of the property which distinguished it from other properties in the area was determined to exist because the expansion will have no measurable impact to the surrounding wetlands and proper stormwater treatment measures will be undertaken. The proposed use is reasonable as it is an expansion of an existing building where the location of the expansion is the only reasonable place for it to be attached to the existing building because the layout of that building cannot be changed and the expansion would not work on the opposite side. Additionally, there will be no change in intensity or use.

On July 15, 2020, 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 for the Paula Anna Markus Foundation, Tax Map 91, Lot 2 for the construction of a 20' x 40' addition, with the following conditions: 1) That all Best Management Practices be employed during construction to include sedimentation and erosion control measures, and for rain water runoff via infiltration trenches or rain barrels; 2) The location and dimensions of the addition comply with the plans presented at the hearing, and prepared by Carl R. Johnson, Jr. LLS #794 dated 6/4/2020, and further 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 August 5, 2020, 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, Bickford, DeMeo, Jenny, Hopkins) and none (0) opposed.

The decision made to grant the Variance on July 15, 2020, 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: August 6, 2020

cc. Carl. R. Johnson (by email only at surveyor794@yahoo.com)
Harry Vogel (by email only at hvogel@loon.org)
Map Lot Document File