



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

### **Notice of Decision**

### **Request for Variance**

**Nica-Lee Realty Trust / Map 44, Lot 33**

**May 2, 2013**

**Applicant: Nica-Lee Realty Trust**

**P.O. Box 52**

**Moultonborough, NH 03254**

**Location: 1070 Whittier Highway, Moultonborough, NH (Tax Map 44, Lot 33)**

On May 1, 2013 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Nica-Lee Realty Trust (hereinafter referred to as the "Applicant" and/or "Owner") for an application for Special Exception under Article VI (C) Table of Permitted Uses, to allow for a tenant to operate a light welding and fabrication business in the middle unit of a multi-unit commercial building for the property located in the Village Commercial zone C District at 1070 Whittier Highway.

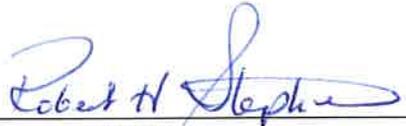
Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 1070 Whittier Highway (Tax Map 44, Lot 33)
- 2) The applicant is the Trustee of the Estate of Michael J. Morgan, Nica-Lee Realty Trust; owner of record for the lot.
- 3) The lot is located in the Village Commercial zone C District.
- 4) Debra Morgan, Trustee, presented the application for Special Exception.
- 5) No members of the public wished to speak during the Public Hearing.
- 6) The Moultonborough Zoning Board of Adjustment granted a special exception for the property in 2003 to construct a building for professional, contractor, office and storage.
- 7) The existing structure is a multi-unit commercial building located in the Village Commercial zone C District.

- 8) The applicant is proposing an additional use to allow a tenant to operate a light welding and fabrication business in the middle unit of a multi-unit commercial building.
- 9) The Fire Chief has made the following two requirements: 1) Adding a fire alarm to the rental space; and 2) Fire extinguishers of the appropriate size and classification to the hazard would be needed.
- 10) The specific site is an appropriate location for the use as the property is buffered and the proposed use will be inside.
- 11) The use is compatible with the character of the neighborhood in the Village Commercial zone C District because there are other similar uses nearby in the commercial zone.
- 12) The property values in the district will not be negatively impacted by the use in the district as the proposed use will not be visible and it is a mixed use district.
- 13) There will be no nuisance or serious hazards to vehicles or pedestrians as the proposed use will not generate pedestrian traffic or increase vehicle traffic from current levels.
- 14) The Adequate and appropriate facilities will be provided for the proper operation of the proposed use as required by the recommendation of the Fire Chief.
- 15) The existing development already complies with the minimum land space requirements. The proposed use will take place in an existing building.
- 16) The capacity of existing roads and highways to carry related traffic is adequate for the section along Whittier Highway because the use will not generate any more vehicle trips than the previous tenant in the middle unit.
- 17) The proposed use will meet the requirements of the Fire Chief.
- 18) The application meets all of the requirements for a Special Exception under Article VI (E).

The Board of Adjustment closed the Public Hearing on May 2, 2013. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, King, Bickford), none (0) opposed, and no (0) abstentions, to **GRANT** the request for Special Exception.

This decision shall not take effect until thirty (30) days have elapsed from May 3, 2013 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, Zoning Board of Adjustment

Date 5-16-2013