



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception

Christopher J. Sturgeon/Tax Map 135, Lot 18.1

June 18, 2014

Applicant: Christopher J. Sturgeon
22 Moultonboro Neck Road
Moultonborough, NH 03254

Location: 22 Moultonboro Neck Road (Tax Map 135, Lot 18.1)

On June 4, 2014, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Christopher J. Sturgeon (hereinafter referred to as the "Applicant" and/or "Owner") for an application for Special Exception under Article VII.C to allow construction and use of a mixed use facility (existing business and proposed residential apartment) on the parcel located in the Residential Agricultural (RA) Zoning District at 22 Moultonboro Neck 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 22 Moultonboro Neck Road (Tax Map 135, Lot 18.1)
- 2) The applicant is the owner of record for the lot.
- 3) The lot is located in the Residential Agricultural (RA) Zoning District.
- 4) The existing site contains a commercial auto service and repair garage. A new dwelling unit is proposed to be located within the expanded commercial structure on the site as well.
- 5) The business use on the property has been approved by two special exceptions in 1986 and 2008, respectively. The Planning Board approved a site plan in 2008.
- 6) One (1) abutter chose to speak in favor of the application with a concern regarding fire safety for residents during the Public Hearing.
- 7) No other members of the public wished to speak during the Public Hearing.

- 8) The specific site is an appropriate location for the use as it is located adjacent to other industrial and commercial businesses.
- 9) The use is compatible with the character of the neighborhood in both the Residential Agricultural Zone and the Commercial A District as it is located adjacent to other residences and commercial businesses.
- 10) The property values in the district will not be negatively impacted by the use in the district because the expanded structure will be new and compatible with the neighborhood.
- 11) There will be no nuisance or hazard to pedestrians or vehicles from any activity conducted on the site.
- 12) There will be no additional burden on Town infrastructure or services by the proposed operation.
- 13) The proposed use complies with the minimum land space requirements of Article III, Table I.
- 14) The capacity of existing roads to carry related traffic is sufficient to allow for the operation of the site as a mixed use without the need for upgrades or repairs of the roadway.
- 15) The site will have on-site fire protection facilities was deemed met for the commercial portion of the building, and will be met once the Fire Chief reviews and makes required recommendations regarding life safety or other protection measures for the applicant to put in place.
- 16) The application meets all of the requirements for a Special Exception under Article VI E.

On June 4, 2014, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, Jenny) and none (0) opposed to grant the request for a special exception with the following conditions: 1) that an appropriate fire lane is marked and maintained in accordance with any recommendations required by the Fire Chief; 2) the applicant must meet all recommendations of the Fire Chief regarding Life Safety 101.; 3) proof be submitted that the septic system has the capacity to serve the mixed use or that a new system be required and that the well water meet any and all regulatory thresholds that may apply for both business and residential use; and further, to close the Public Hearing.

The Board of Adjustment, on June 18, 2014, 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 (5) in favor (Stephens, Nolin, Zewski, Bickford, DeMeo), none (0) opposed.

The decision made to Approve the special exception on June 4, 2014 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 6/23/2014