



## Town of Moultonborough Zoning Board of Adjustment

### Notice of Decision Request for Special Exception Jeffrey & Priscilla Frahm/Tax Map 115, Lot 33

September 3, 2015

**Applicant:** Jeffrey & Priscilla Frahm  
59 Sawmill Way  
Moultonborough, NH 03254  
**Location:** 59 Sawmill Way (Tax Map 115, Lot 33)

On July 15, 2015, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Jeffrey & Priscilla Frahm (hereinafter referred to as the "Applicant" and/or "Owner") for an application for Special Exception under Article VI.C (table of permitted uses) & Article VI,E to allow a mixed use of a marine service business and a residence on the lot on the parcel located in the Residential Agricultural (RA) Zoning District at 59 Sawmill Way.

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) 59 Sawmill Road Moultonboro Neck Road (Tax Map 115, Lot 33)
- 2) The applicants are the owners of record for the lot.
- 3) The lot is located in the Commercial A Zoning District.
- 4) The existing site contains a dwelling unit and a marine service business is proposed to be located on the site as well.
- 5) One (1) abutter noted their concerns regarding noise and traffic safety for access and egress to and from the site as well as appearance from abutting properties.
- 6) No other members of the public wished to speak during the Public Hearing.
- 7) The ZBA had questions at the meeting relating screening, adequate parking for the dwelling, hours of operation, number of boats to be onsite at any one time, fire protection and access and egress.

- 8) Pending receipt of requested site sketch, and input from the Fire Department and Road Agent input, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, St. Peter), and none (0) opposed to continue the Public Hearing to September 2, 2015.
- 9) The applicants stated at the first hearing that they would not be present at the hearing on September 2<sup>nd</sup> as they would be out of state.
- 10) The ZBA re-opened the continued Public Hearing at the September 2<sup>nd</sup> meeting and discussed the materials provided by the applicant, which included a sketch of the property depicting the location and number of boats onsite (four), hours of operation (8 am – 5 pm) as well as correspondence via email with Fire Chief Bengtson and Highway/Road Agent Kinmond.
- 11) No members of the public were present at the Public Hearing on September 2<sup>nd</sup>, 2015.
- 12) The Board voted unanimously to proceed with the public hearing on September 2<sup>nd</sup>, discussing the criteria for the granting of a special exception.
- 13) The specific site is an appropriate location for the use as it is located adjacent to other commercial businesses and is located in Commercial Zone A.
- 14) 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.
- 15) The property values in the district will not be negatively impacted by the use in the district because it will be compatible with the neighborhood.
- 16) There will be no nuisance or hazard to pedestrians or vehicles from any activity conducted on the site.
- 17) There will be no additional burden on Town infrastructure or services by the proposed operation.
- 18) The proposed use complies with the minimum land space requirements of Article III, Table I.
- 19) 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.
- 20) The Fire Chief reviewed the site and did not have any concerns with access and stated they must have a minimum of two fire extinguishers with Class 10B ratings with the “B” rating not less than 10B.i.e. 2A-10 B:C or 10B:C.
- 21) The application meets all of the requirements for a Special Exception under Article VI E.

On September 2, 2015, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, St. Peter) and none (0) opposed to grant the request for a special exception with the following condition: 1) A limitation of not more than four (4) motorized boats and/or Personal Water Craft outside; and further, to close the Public Hearing.

The Board of Adjustment, on October 7, 2015, 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, St. Peter), none (0) opposed.

The decision made to Approve the special exception on September 2, 2015 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 10/8/2015