



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception (Amendment of Existing)

Peter & Betty Ann Salchli/ Map 213, Lot 1

August 8, 2013

Applicant: Peter & Betty Ann Salchli

P.O. Box 612

Center Harbor, NH 03226

Location: 14 McCormack Lane, Moultonborough, NH (Tax Map 213, Lot 1)

On August 7, 2013 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Peter & Betty Ann Salchli (hereinafter referred to as the "Applicant" and/or "Owner") for an application for an amended Special Exception under Article VI. E, to allow for a change of use from a previously approved antique/craft shop to gourmet takeout food services for the property located in the Residential/Agricultural (R/A) zone at 14 McCormack Lane.

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 14 McCormack Lane (Tax Map 213, Lot 1)
- 2) The applicants are Peter & Betty Ann Salchli; Jeffrey Welch is the owner of record for the lot.
- 3) The lot is located in the Residential/Agricultural zone.
- 4) Betty Ann Salchli presented the application for Special Exception.
- 5) 1986 & 2000 Special Exception approvals for an antique shop and craft shop were presented to the Board, as was the Site Plan approved by the Planning Board.
- 6) Abutter Scott Lamprey spoke in favor of the request, noting so long as the applicants were good neighbors.
- 7) The applicant is proposing gourmet takeout food services.

- 8) The hours of operation will be from 9am – 6 pm from May to October.
- 9) There will be no seating, takeout service only.
- 10) Meals will be prepared on site.
- 11) Facility will be required to meet all fire codes in accordance with the Fire Chief's recommendations.
- 12) All NH DES approvals required for sewage loading for the existing three (3) bedroom home and the proposed change of use for gourmet takeout food services have not yet been obtained, but will be sought.
- 13) The specific site is an appropriate location for the use as the property is buffered and the proposed use will be inside.
- 14) The use is compatible with the character of the neighboring land uses because the building fits and the use is of relatively low intensity.
- 15) The property values in the district will not be negatively impacted by the use in the district as the proposed use fits and the use is of relatively low intensity.
- 16) There will be no nuisance or serious hazard to vehicle or pedestrians as the proposed use will take place inside and the traffic demand appears to be low since the customer base will come predominantly from existing by-pass traffic already on the road.
- 17) 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 and by constructing the parking on the site as per the original approved site plan.
- 18) The proposed use complies with the minimum land space requirements. The proposed use will take place in an existing building.
- 19) The capacity of existing roads and highways to carry related traffic is adequate for the section along Moultonboro Neck Road because the traffic demand appears to be low since the customer base will come predominantly from existing by-pass traffic already on the road.
- 20) The proposed use shall meet the requirements of the Fire Chief and will prior to the issuance of a certificate of occupancy (CO).
- 21) The application continues to meet all of the requirements for a Special Exception under Article VI (E) and has an approved site plan.

The Board of Adjustment closed the Public Hearing on August 7, 2013. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Crowe, Bickford), none (0) opposed, and no (0) abstentions, to **GRANT** the request for Special Exception, for

a change of use, subject to the receipt of an approved NH DES septic design to accommodate the proposed septic loading, receipt of an approved amended NH DOT Driveway permit and that the parking conform (constructed) to the six (6) spaces in accordance with Site Plan approval of August 29th, 2000, prior to the issuance of a Certificate of Occupancy to operate the business,.

The Board of Adjustment, on September 4, 2013, 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, Nolin, Bickford, Crowe, Hopkins), none (0) opposed.

The decision made to Approve the Special Exception on August 7, 2013 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 9-4-2013