

**Moultonborough Zoning Board of Adjustment  
P.O. Box 139  
Moultonborough, NH 03254**

**Public Meeting**

**January 18, 2023**

**Minutes**

Present:           Members:       Robert St. Peter, Nick DeMeo, Sean Poloian, Michael Mills  
                          Alternate:       David McDonough  
Excused:           Member:         Bob Stephens  
                          Alternates:     Jerry Hopkins, Steve Buy  
Staff Present:       Bonnie L. Whitney, Administrative Assistant

**I.       Call to Order:** Vice Chairman St. Peter called the meeting to order at 7:00 PM. He led the Pledge of Allegiance, and then introduced the Board Members and Staff. Mr. St. Peter seated David McDonough to sit on the Board with full voting privileges in place of Bob Stephens.

**II.      Pledge of Allegiance**

**III.     Review/Approval of Minutes: 12/21/22**

**Motion:** Mr. DeMeo made the motion to approve the December 21, 2022, minutes as written. Mr. Mills Seconded. The Motion carried unanimously.

**IV.     Hearings:**

1.       Continuation of Public Hearing for Richard & Nancy Glaim (130-52) (23 Gansy Lane)  
          Variance from Section 3 General Provisions

Mr. St. Peter noted that the application for Richard & Nancy Glaim had been continued to this evening. However, Mr. Glaim had previously submitted a letter that was received on December 15, 2022, respectfully requesting to withdraw their application. The Board granted the request for withdrawal without prejudice at their meeting of December 21, 2022. No further action is necessary.

2.       Christopher & Deirdre Maroun (135-7, 8 & 9) (362Whittier Highway)  
          Special Exception to allow Mixed Use – Section 6.3.1

Eric Buck of Terrain Planning & Design, LLC, Agent for the Applicants, was present representing the applicants. Andy Dubois, CFO and John Malm from Miracle Farms Landscaping were present in the audience.

Mr. Buck provided the Board with colored plans for easier identification of the existing and proposed property lines.

Prior to the presentation, Mr. St. Peter requested confirmation of the parcels that were involved in the application. He noted the location of the property identified on the application states that there are three lots, 362 Whittier Highway, Tax Map 135 Lot 7, 8 & 9. For purposes of the application before the board this evening, it appears that this is a request for a special exception only for what is currently Lots 8 and 9 that are to be merged into one lot. Mr. Buck stated yes. Mr. St. Peter clarified that nothing before the board this evening has anything to do with Lot 7. Mr. Buck stated that was correct.

Mr. Buck noted as stated, they are here for a special exception for mixed use for Lots 8 & 9. He gave a brief background of the project. The site was purchased by the Maroun's with the intention of

creating a new shop building, maintenance facility for themselves. He referred to the colored plans which depicted the three lots owned by the applicants. There is an existing small cottage on Lot 9, an existing dwelling on Lot 8 and Lot 7 has the existing commercial building.

Mr. Buck stated the proposed master plan for the properties is to merge Lots 8 & 9, transfer a back portion of Lot 7 and combine it into the new consolidated Lots 8 & 9. That will allow for vehicular access out onto Playground Drive, thereby taking some of the pressure off of Whittier Highway (Route 25) with the busy landscape operations that's going to be in there. Lot 7 will remain a separate lot.

Sheet L-01 in the set is a preliminary site plan for the proposed development which shows the new maintenance building for office space and vehicle maintenance. There is parking in the rear for the company's landscape vehicles and some accessory buildings that will be used for hand tools, and the driveway circulation with proposed exit and entrance off Playground Drive. They will maintain the curb cut on Route 25, noting that will not be the primary egress and exit.

The plan for the cottage on Lot 9, which is not a dwelling unit, will be for offices, a design space, presentation space for clientele. The proposal is to retain the dwelling that is currently on Lot 8 to be used for employee housing. It will be relocated and will create the need for the mixed use as Lots 8 & 9 will have both a commercial and residential use. Mr. St. Peter clarified that the existing building on Lot 9 is not a dwelling and will not become a dwelling. Mr. Buck stated that is correct. It will be office space. Mr. Mills asked if the only part of the plan that is going to be a dwelling unit, is the existing building that is going to be relocated. Mr. Buck replied that was correct.

Mr. Mills questioned what a "crew gear" building was. Mr. Buck stated that it is for hand tools, wheelbarrows, string trimmers, backpack blowers, anything that a landscape crew would need as they come in and get ready to go to a job site. Mr. McDonough questioned if they were garages. Mr. Buck responded that they are more like a storage locker. Each crew will have a building that is climate controlled and where they can have their cold weather gear, hand tools, rakes shovels, and that type of thing. Mr. McDonough asked if there were going to be any sinks or bathrooms in these buildings. Mr. Buck stated no, there is not any of that. These are just seasonal buildings for use during the heavy landscape season.

Mr. McDonough noted that plan sheet L -01 identified William Blackadar as owner of the Lots. That is an error and will be corrected.

Mr. Poloian commented that it was said they are going to maintain the curb cut on Route 25, asking if it will still be used as an entrance and exit? Mr. Buck noted that it will be. Mr. Poloian questioned if it would be wise to make that an entrance only, as that is a tight area in relation to the intersection. Mr. Buck noted that they need to work with NHDOT about what their preference would be. They feel that this proposal will eliminate some of the stress that is on Moultonboro Neck Road with moving some of the morning operations and crew traffic over to this location. The existing curb cut is valuable to the property.

Mr. Buck stated that this site will not be a location where they have landscape materials, so there will not be big dump trucks or vehicles dumping mulch, sand, or gravel. There will be no material storage here. This site will be a crew "come and go" in the morning and a vehicle maintenance facility for them. Mr. St. Peter asked if this was for consolidated Lots 8 & 9, or if Lot 7 is going to have any of that on it? Mr. Buck indicated that he did not know what was happening with Lot 7 at this time. Their charge as landscape architects was to focus on the design for the new shop on Lots 8 & 9.

Mr. McDonough noted that the application referred to workforce housing, which he thought was a great concept. Asking if there was no restriction as to what that residential unit could be used for? Mr. Buck commented yes. It could be used for any residential use. Their immediate need is for employee housing.

Members questioned septic for the site. Mr. Buck indicated that they are working on a new septic design for the property.

Mr. Buck referred to the application as submitted, addressing each of the criteria for the granting of a special exception.

Mr. St. Peter noted his concern relating to criteria 6.5.2.5 which reads “there will be no nuisance or hazard to vehicles or pedestrians...” The entry way off Playground Drive is close to where the kids all come and go from the playground. Based on the parking spaces depicted on the plan, he assumes a lot of trucks will be coming over from the Moultonboro Neck Road location to this site. Mr. Buck stated yes, and no. Mr. Dubois replied that they are going to try and spilt the operation up a bit. They are trying to dispatch some of the employees from this site to alleviate the intersection on Moultonboro Neck Road. The whole operation is not moving over and won’t be dispatching out this new location. The maintenance or the construction crews will not be moving over. The office space will continue to be in the current building. Mr. St. Peter noted their busiest time is in the summer, which is when Playground Drive is busy. It was noted that East Coast Foundation utilizes Playground Drive as well, so this is not a new use of the road. Mr. Dubois commented that it is an early morning operation. They are dispatched by 7 and back around that time as well. It seems that they will miss the majority of the activities of the kids at the playground. Mr. Buck commented that the Town is able to place conditions as they come before the Planning Board.

Mr. St. Peter opened the hearing for public input, noting there was none.

Mr. St. Peter asked that the Board determine whether this development has the potential of Regional Impact and to take a vote on that determination. Mr. St. Peter polled the Board by roll call vote asking each if they felt that this project for Christopher & Deirdre Maroun (135- 8 & 9) would have any potential for Regional Impact? Roll call: Mike – No; David – No; Nick – No; Sean – No, Rob – No.

Mr. St. Peter asked if there were any additional questions from the board. It was noted that there were none. The board went into deliberative session to discuss each of the criteria for the granting of a special exception at 7:25 PM and came out of deliberative session at 7:35 PM.

During deliberative session members discussed each of the standards for the granting of a special exception. They agreed with the arguments presented in the application submitted. The Board discussed each of the eight (8) additional standards which the board may impose if deemed necessary. They noted that either the standard was not applicable, was existing or was being addressed.

There was no further input from the Board or public. The voting members were Mike, David, Nick, Sean, and Rob.

**MOTION:** Mr. Poloian made the motion to grant the request for a special exception from Article 6.3.1 (Table of Permitted Uses) for Christopher and Deirdre Maroun, Tax Map 135 Lots 8 & 9 with the following conditions: 1) Project shall obtain necessary state and local permits, to include site plan review and approval of any necessary town building permits. All conditions of such approvals shall be perpetually complied with, and all necessary inspections shall be successfully completed prior to use; 2) All representations made by the applicant and applicant’s agent shall be incorporated as a condition of approval, specifically drawing L-02 dated 09-30-22, revision date 01-13-23; 3) Tax Map 135 Lots 8 & 9 shall be merged and only contain one residential unit; 4) The applicant and owner are solely responsible to comply with conditions of approval; 5) Per RSA 674:33, approval expires on 1/18/2025 if use is not substantially acted on, and further, to close the Public Hearing and to direct staff to draft a formal Notice of Decision, for Board discussion only, based on the Finding of Facts during tonight’s hearing, which will be reviewed for accuracy only, and signed by the Chair at the next scheduled meeting. Mr. DeMeo Seconded. The Motion carried unanimously.

Mr. St. Peter noted the 30-day right to appeal in accordance with NH RSA 677:2 would begin tomorrow.

3. Christopher & Deirdre Maroun (135-7, 8 & 9) (362Whittier Highway)  
Variance from Section 3.2.1.3 – Minimum Lot Size

Eric Buck of Terrain Planning & Design, LLC, Agent for the Applicants, formally withdrew the application for variance as they have adjusted the proposed lot size to meet minimum lot size calculations so that it will be a conforming lot. Therefore, the variance is no longer necessary.

**MOTION:** Mr. Mills made the motion to grant the request for withdrawal for the variance application for Christopher & Deirdre Maroun, Tax Map 135 Lots 7, 8 & 9. Mr. McDonough Seconded. The Motion carried unanimously.

4. R2 Property Management and Concierge Services, LLC (103-11) (7-11 Marvin Road)  
Special Exception to allow Mixed Use – Section 6.3.1

Cindy Theriault, PE with Wilcox & Barton, Inc., agent, was present representing the applicant. Jeff Resisner, R2 Property Management, was present in the audience for the hearing.

Ms. Theriault noted there was an error on the application. The entity who will be purchasing the property is called The R2 Companies, LLC, not R2 Property Management and Concierge Services, LLC.

Ms. Theriault stated the request is for a special exception for mixed use. The property is located in the Commercial Zone A. There are two existing buildings on the property, a dwelling unit, and a building close to Route 25. It was noted that this property has been before the board and the ZBA previously approved 2 other special exceptions for this property, which also allowed for mixed residential and commercial use, in 2017 and 2020. The prior two approvals have expired as they were not acted on.

The proposal is to use the property for offices for their companies as well as to maintain the dwelling unit as a residence on the main floor and utilize the basement garage level as office space as well.

Ms. Theriault referred to the application as submitted, addressing each of the criteria for the granting of a special exception.

A discussion ensued regarding the operation and activities on the site. It was noted that there currently is no water or septic in the existing “carriage house”. Jeff Resisner, owner of R2, stated that they are proposing approximately 6 or 7 employees (office staff) between the two buildings. Members questioned if there would be clientele coming and going from the building closest to Route 25. Mr. Resisner stated they currently do not anticipate that. Currently they do not have people come to their offices now. On occasion they could, but as a matter of general practice, no.

Members questioned the criteria regarding on-site fire protection which states “The site must have on-site fire protection facilities, including, but not limited to one (1) of the following: an internal sprinkler system or similar fire suppression system, a fire pond or fire cistern”. After discussion, it was agreed that the applicant must meet fire protection that is adequate to code and approved by the Code Enforcement Officer.

The issue of parking on the site was discussed. It was noted that access and egress from the site must be from Marvin Road only and may not be via Route 25. It was noted that there are two driveways on the site. An upper driveway that will be for the residential portion of the dwelling and the lower driveway for the downstairs basement proposed office use.

Mr. St. Peter asked that the Board determine whether this development has the potential of Regional Impact and to take a vote on that determination. Mr. St. Peter polled the Board by roll call vote asking each if they felt that this project for The R2 Companies LLC (103-11) would have any potential for Regional Impact? Roll call: Mike – No; David – No; Nick – No; Sean – No, Rob – No.

Mr. St. Peter opened the hearing for public input.

Austin Bell – 26 Marvin Road. Mr. Bell stated for the record that he was opposed to the mixed use for the property as requested. Mr. Bell had questions regarding what the intention was for the upper level. Ms. Theriault stated the intent for the upper level to be rented to employees of R2, however, if not an employee it would be made available to someone for residential long term rental. Mr. Bell had additional questions relating to housing that were not under the purview of the zoning board. Mr. Bell asked if the proposal included parking of vehicles and trailers for R2 on the site, noting he was opposed to commercial trucks/vehicles coming and going. Mr. Reisner noted that they do have trucks that will access the site, as well as any tenant for the rental unit on the upper level of the existing dwelling. It was noted that the questions regarding parking, signage, hours of operation, etc. would be addressed through site plan review.

The Chairman asked if there were any additional questions from the board. It was noted that there were none. The board went into deliberative session to discuss each of the criteria for the granting of a special exception at 8:03 PM and came out of deliberative session at 8:09 PM.

During deliberative session members discussed each of the standards for the granting of a special exception. They agreed with the arguments presented in the application submitted. The Board discussed each of the eight (8) additional standards which the board may impose if deemed necessary. They noted that either the standard was not applicable, was existing or was being addressed.

Stephanie Hickey – 33 Marvin Road. Ms. Hickey questioned what course of action an abutter would take should the activity on the site exceed what was indicated this evening. It was noted that that would be a code enforcement issue.

There was no further input from the Board or public. The voting members were Mike, David, Nick, Sean, and Rob.

**MOTION:** Mr. DeMeo made the motion to grant the request for a special exception from Article 6.3.1 (Table of Permitted Uses) for The R2 Companies, LLC, for a parcel Owned by Paul & Mary Lavasseur located on 7 – 11 Marvin Road (Tax Map 103, Lot 11) with the following conditions: 1) Project shall obtain necessary state and local permits, to include site plan review and approval of any necessary town building permits. All conditions of such approvals shall be perpetually complied with, and all necessary inspections shall be successfully completed prior to use; 2) All representations made by the applicant and applicant's agent shall be incorporated as a condition; 3) The applicant and owner are solely responsible to comply with conditions of approval; 4) Per RSA 674:33, approval expires on 1/18/2025 if use is not substantially acted on; 5) The fire suppression shall be in compliance with Code requirements as deemed necessary by the Code Enforcement Officer, and further, to close the Public Hearing and to direct staff to draft a formal Notice of Decision, for Board discussion only, based on the Finding of Facts during tonight's hearing, which will be reviewed for accuracy only, and signed by the Chair at the next scheduled meeting. Mr. Poloian Seconded. The Motion carried unanimously.

Mr. St. Peter noted the 30-day right to appeal in accordance with NH RSA 677:2 would begin tomorrow.

**V. Correspondence – None**

**VI. Unfinished Business – None**

**VII. Adjournment:** Mr. DeMeo made the motion to adjourn. Mr. McDonough Seconded. The Motion carried Unanimously, and the Board adjourned at 8:14 PM.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant