



**Town of Moultonborough
Office of the Town Planner
LAND USE DEPARTMENT**
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June 19, 2024

Debra Malm, Trustee
Nica-Lee Realty Trust
1 Hemlock Way
Stratham, NH 03885

RE: Site Plan Review
Tax Map 44 Lot 33, 1070 Whittier Highway

Dear Ms. Malm:

As discussed during the hearing for your conditional use permit application to allow for a retail use in the Village Center Overlay District at 1070 Whittier Highway at the June 12, 2024 Planning Board meeting, I had determined, prior to the meeting, pursuant to Zoning Article 6.1, that the proposed use shall require site plan review. Although the Planning Board sought to override that determination through the placement of a condition of approval waiving site plan review, Zoning Article 6.1.5.3 places sole and final authority in the Town Planner to determine whether site plan review shall be required. As further explained below, I hereby affirm that site plan review shall be required prior to operation of any retail uses at 1070 Whittier Highway.

The current site plan approval for 1070 Whittier Highway allows for a three-unit, 11,000 square-foot structure, with 17 parking spaces. Specifically, the uses are described as “professional and contractor office and storage space, and non-retail storage.” The approved site plan further describes the uses as “interior design/decorating, contractor/professional office space, and contractor office space.” Nowhere in the application is retail proposed, and nowhere in the approval is retail identified. While retail is a permitted use in the underlying Commercial Zone C, the introduction of retail requires an evaluation of the suitability of the site for such a use, and an assessment of conformance with the standards of the Village Center Overlay District.

Under today’s parking table, a 2,500 square-foot furniture store requires one parking space for every employee and one additional parking space for every 600 square feet of floor area. Rounding down, the requirement for the furniture store is 6 parking spaces (2 employee spaces, 4 customer spaces). Assuming the remaining 8,500 square feet is categorized as personal and professional services, professional offices or personal service establishment, 28 additional parking spaces are required for a total of 34 spaces, twice the number of spaces currently available on the site.

Of course, once site plan review is commenced, the Planning Board has the authority to waive certain parking requirements, but a proposal to provide around half the parking as is required per the Board's own site plan review regulations necessitates careful examination, and possibly the input of a parking or traffic professional.

Please let us know if you wish to proceed with site plan review and we can assist with the application process. In any case, please understand that the Condition Use Permit granted pursuant to undertaking a retail use at 1070 Whittier Highway cannot be exercised until such time as site plan approval is obtained from the Planning Board.

If you feel that we have incorrectly interpreted the terms of the Ordinance in reaching this decision, you have the option to appeal this decision to the Zoning Board of Adjustment by filing an Appeal of Administrative Decision in accordance with NH RSA 676:5 within 30 days of the date of this decision.

Please let me know if you have any questions.

Sincerely,



Dari Sassan
Town Planner

Cc: Charlie Smith, Town Administrator
Sandra Kelly, Planning Board Chairman
Jeff Blackwell, Building Inspector/Code Enforcement Officer