



**Town of Moultonborough**  
**Planning Board**  
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**Notice of Decision**  
**Conditional Use Permit**  
**Nica-Lee Realty Trust**  
**Tax Map 44 Lot 33**

June 13, 2024

**Applicant:** Nica-Lee Realty Trust  
1 Hemlock Way  
Stratham, NH 03885

**Location:** 1070 Whittier Highway (Tax Map 44 Lot 33)

**Owner of Record:** Nica-Lee Realty Trust

On June 12, 2024, the Planning Board of the Town of Moultonborough held a public hearing on the application of Nica-Lee Realty Trust (Tax Map 44 Lot 33) (hereinafter referred to as the “Applicant(s)” and/or “Owner(s)”) for a Conditional Use Permit for a retail use within the Village Center Overlay District (pursuant to Zoning Article 9.2.6).

On June 12, 2024, prior to acceptance of the application as being complete, the Planning Board voted six (6) in favor (Annaian, Hoch, Bartlett, Kelly, Claypoole, Quinlan) that the proposed use did not have the potential for Regional Impact.

After testimony, the hearing was closed on March 27, 2024, and the Planning Board voted four (4) in favor (Annaian, Bartlett, Kelly, Quinlan), two (2) opposed (Claypoole, Hoch), to **approve** the Conditional Use Permit for Nica-Lee Realty Trust allowing for a retail use within the Village Center Overlay District at Tax Map 44 Lot 33, subject to compliance with the following conditions:

1. Site Plan Review requirements shall be waived.
2. Parking spaces shall be striped in accordance with the approved site plan and northeast of edge of paved area shall be posted as “no parking” area.
3. Approval shall be obtained from the Planning Board prior to any change of tenancy at the property.
4. Unless explicitly overturned through a condition of this approval, all conditions of the existing site plan approval shall remain in effect.
5. Perpetually comply with Groundwater Protection Overlay District requirements.
6. Prior to occupancy and operation, all required federal, state, and local approvals, including an updated DOT driveway permit, shall be obtained.
7. E-9-1-1 addresses shall be updated as necessary prior to occupancy.

8. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.



Sandra M. Kelly  
Chairperson

cc.

- Jeff Blackwell (by email only at [jblackwell@moultonboroughnh.gov](mailto:jblackwell@moultonboroughnh.gov))
- Map Lot Document File