



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Limited Special Exception/Temporary Use** **Christopher & Deirdre Maroun** **Map 135, Lot 7**

April 5, 2023

Applicant: **Christopher & Deirdre Maroun**
P.O. Box 706
Moultonborough, NH 03254

Location: **376 Whittier Highway, Moultonborough, NH (Tax Map 135, Lot 7)**

On April 5, 2023, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Christopher & Deirdre Maroun (hereinafter referred to as the "Applicant") for an application for a Temporary Use Special Exception under MZO Article 11.3 to allow Miracle Farms Landscaping to use the property located in the Commercial Zone A at 376 Whittier Highway for dispatching landscaping crews.

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 376 Whittier Highway, Moultonborough, NH (Tax Map 135, Lot 7).
- 2) Christopher & Deirdre Maroun are the owners of record for the lot.
- 3) The lot is located in the Commercial Zone A zoning district.
- 4) Prior to public input, the Zoning Board of Adjustment voted four (4) in favor (McDonough, DeMeo, Poloian, St. Peter) that the proposal did not have the potential for Regional Impact.
- 5) The proposal is to allow Miracle Farms Landscaping to use the lot for the purpose of only dispatching landscaping crews and office use to support the dispatching of the landscaping crews.
- 6) Christopher Maroun presented the application to the Board.
- 7) No members of the public spoke to the request for special exception.
- 8) The specific site is an appropriate location for the use as the site is located in the commercial zone, the use is a commercial activity, and is located adjacent to other commercial businesses.
- 9) The use is compatible with the character of the neighborhood as it is surrounded by businesses and is located in the Commercial A Zoning District.

- 10) The property values in the district will not be negatively impacted or reduced by such a use as it is a commercial use in a commercial zone, and the activities as proposed will not impact values.
- 11) The capacity of existing roads to carry related traffic is sufficient to allow for the operation of the site as proposed without the need for upgrades or repairs of the roadway because as it is located on NH Route 25 and there will be no access or egress from the site on to Playground Drive.
- 12) The application meets all the requirements for a Special Exception/Temporary Use under Article 11.3.

On April 5, 2023, the Zoning Board of Adjustment decided by a vote of four (4) in favor (McDonough, DeMeo, Poloian, St. Peter) and none (0) opposed, to grant the request for a limited special exception/temporary use, with the following conditions:

- 1) Restricting the use to a maximum of 39 vehicles on site for the purposes of only dispatching workers.
- 2) Restrict any access to Playground Drive.
- 3) Project shall obtain necessary state and local permits, and all conditions of such permits shall be complied with.
- 4) All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
- 5) Any improvements, expansions, or changes to the property, including, but not limited to signage or lighting, shall require site plan approval.
- 6) Per Section 11.3, the limited special exception/temporary use will expire on 4/5/2024 and may be renewed upon reapplication to the zoning board of adjustment. Such occupancy and use shall be of a temporary nature, with no expectation of becoming permanent.

Further, the Board voted to close the Public Hearing. They moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next meeting.

The Board of Adjustment, on April 19, 2023, approved this formal Notice of Decision language and authorized the Vice Chairman to sign the Notice of Decision, send to the applicant and place same in the case file by a vote of three (3) in favor (DeMeo, Poloian, St. Peter), and two (2) abstentions (Stephens, Mills).

The decision made to grant the Limited Special Exception/Temporary Use on April 5, 2023, 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 St. Peter
Vice Chairman, Zoning Board of Adjustment

cc. Scott Dvorak – Building Inspector (by email only at sdvorak@moultonboroughnh.gov)
Map Lot Document File