



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision**

#### **Request for Special Exception**

#### **The R2 Companies, LLC**

#### **Paul & Mary Lavasseur /Tax Map 103, Lot 11**

**January 18, 2023**

**Applicant:** The R2 Companies, LLC  
**Owner:** Paul & Mary Lavasseur  
11 Marvin Road  
Moultonborough, NH 03254  
**Location:** 7 Marvin Road (Tax Map 103, Lot 11)

On January 18, 2023, the Zoning Board of Adjustment of the Town of Moultonborough held a remote public hearing on the application of The R2 Companies, LLC (hereinafter referred to as the "Applicant" and/or "Owner") for an application for Special Exception under Article 6.3.1 to allow a mixed use that includes both office space (permitted use in Zone A) and a residential dwelling on the parcel located in the Commercial Zone A.

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 7-11 Marvin Road (Tax Map 103, Lot 11).
- 2) The owner of the record of lot is Paul G. and Mary E. Lavasseur.
- 3) Cindy Theriault, PE, Wilcox & Barton, Inc. presented the application to the Board.
- 4) The lot is in the Commercial Zone A.
- 5) Prior to public input, the Zoning Board voted five (5) in favor (Mills, McDonough, DeMeo, Poloian, St. Peter) that the proposal did not have the potential for Regional Impact.
- 6) The existing site contains a single-family dwelling unit and a pre-existing non-conforming store/shop.

- 7) Residential use of the Property is allowed by right.
- 8) The business use on the property has been vacant for more than two years. In his capacity as Zoning Administrator, Planner Sassan determined that the commercial use of the carriage house had not been abandoned.
- 9) Two members of the public spoke in opposition of the request for special exception.
- 10) The specific site is an appropriate location for the use as it is located adjacent to other commercial businesses.
- 11) The use is compatible with the character of the neighborhood in both the Residential Agricultural Zone and the Commercial A District as it is located adjacent to other residences and commercial businesses.
- 12) The property values in the district will not be negatively impacted by the use in the district as the building for the proposed use already exists and will have no negative impact on neighboring property values and the use is compatible with other commercial uses the neighborhood.
- 13) There will be no nuisance or hazard to pedestrians or vehicles from any activity conducted on the site as there is adequate parking on site and the use will not affect the flow of traffic for the commercial operation.
- 14) There will be no additional burden on Town infrastructure or services by the proposed mixed-use.
- 15) The proposed use complies with the minimum land space requirements of Article III, Table I because the subject parcel is a lot of record.
- 16) The capacity of existing roads to carry related traffic is sufficient to allow for the operation of the site as a mixed use without the need for upgrades or repairs of the roadway because the traffic volume generated by the proposed business is very low.
- 17) The application meets all the requirements for a Special Exception under Article 6.5.

On January 18, 2023, the Zoning Board of Adjustment decided by a vote of five (5) in favor (Mills, McDonough, DeMeo, Poloian, St. Peter) and none (0) opposed to grant the request for Special Exception under Article 6.3.1 to allow a mixed use facility (commercial business and a residence) on the parcel located in the Commercial A Zone at 7-11 Marvin Road 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.

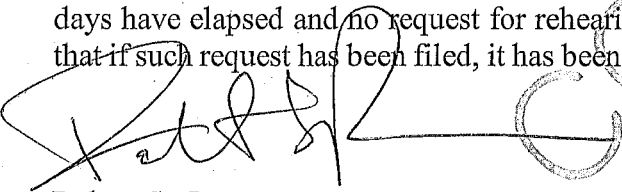
- 2) All representations made by the applicant and applicant's agent shall be incorporated as a condition.
- 3) The applicant and owner are solely responsible to comply with conditions of approval.
- 4) Per RSA 674:33, approval expires on 1/18/2025 if use is not substantially acted on.
- 5) The fire suppression shall be in compliance with Code requirements as deemed necessary by the Code Enforcement Officer.

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.

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The Board of Adjustment, on February 1, 2023, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision, send to the applicant and place same in the case file by a vote of four (4) in favor (McDonough, DeMeo, Poloian, St. Peter), and one (1) abstention (Stephens).

The decision made to grant the variance on January 18, 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](mailto:sdvorak@moultonboroughnh.gov))  
Map Lot Document File