



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception

Christopher & Deirdre Maroun/Tax Map 135 Lots 8 & 9

January 18, 2023

Applicant: Christopher & Deirdre Maroun

P.O. Box 706

Moultonborough, NH 03254

Location: 362 Whittier Highway (Tax Map 135 Lots 8 & 9)

On January 18, 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" and/or "Owner") for an application for a 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 District and the Ground Water Protection Overlay District, at 362 Whittier Highway and 6 Playground Drive.

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 properties are located at 362 Whittier Highway (Tax Map 135 Lot 9) and 6 Playground Drive (Tax Map 135 Lot 8).
- 2) The application does not involve any request nor consideration for special exception for lot 7.
- 3) The applicants are the owners of record for the lots.
- 4) Eric Buck, Terrain Planning & Design presented the application for the special exception.
- 5) The lot is located in the Commercial A Zoning District.
- 6) 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.
- 7) Existing Tax Map 135 Lot 8, 6 Playground Drive contains a single family dwelling unit.

- 8) Existing Tax Map 135 Lot 9, 362 Whittier Highway contains a small building used for office space and is not a dwelling unit.
- 9) Existing Lots 8 & 9 are proposed to be merged and are referred to as the "Consolidated Lot".
- 10) Residential use of the Property is allowed by right.
- 11) No members of the public spoke to the Special Exception request.
- 12) The specific site is an appropriate location for the use as it is located adjacent to other residences and commercial businesses.
- 13) 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.
- 14) The property values in the district will not be negatively impacted or reduced by the mixed use as it is located in the Commercial A District.
- 15) There will be no nuisance or hazard to pedestrians or vehicles from any activity conducted on the site.
- 16) There will be no additional burden on Town infrastructure or services by the proposed operation.
- 17) The proposed use complies with the minimum land space requirements of Article 3.1.3.
- 18) 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.
- 19) The application meets all of 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 362 Whittier Highway with the following conditions:

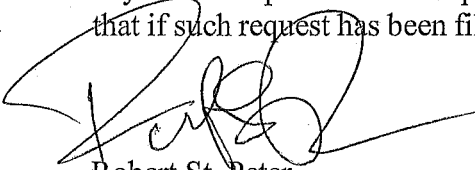
- 1) Project shall obtain necessary state and local permits, to include site plan review and approval of any necessary town building permits. All conditions of such approvals shall be perpetually complied with, and all necessary inspections shall be successfully completed prior to use.

- 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.

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 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)
Map Lot Document File