



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Special Exception** **Brian Huey/Tax Map 76, Lot 3**

May 4, 2022

Applicant: **Brian Huey**
P.O. Box 683
Moultonborough, NH 03254

Location: **822 Whittier Highway (Tax Map 76, Lot 3)**

On May 4, 2022, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Brian Huey (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 at 822 Whittier Highway.

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 822 Whittier Highway (Tax Map 76, Lot 3)
- 2) The applicant is the owner of record for the lot.
- 3) Kara Taylor presented the application for the special exception.
- 4) The lot is located in the Commercial A Zoning District.
- 5) Prior to public input, the Zoning Board voted five (5) in favor (St. Peter, Poloian, DeMeo, Mills, Stephens) that the proposal did not have the potential for Regional Impact.
- 6) The existing site contains a house which serves as an office for Greenleaf Tree Experts, and a barn.
- 7) Residential use of the Property is allowed by right.
- 8) No members of the public spoke to the Variance request.
- 9) The specific site is an appropriate location for the use as it is located adjacent to other residences and commercial businesses.
- 10) 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.

- 11) The property values in the district will not be negatively impacted or reduced by the mixed use as it is located in both the Residential Agricultural Zone and the Commercial A District.
- 12) There will be no nuisance or hazard to pedestrians or vehicles from any activity conducted on the site.
- 13) There will be no additional burden on Town infrastructure or services by the proposed operation.
- 14) The proposed use complies with the minimum land space requirements of Article 3.1.3.
- 15) 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.
- 16) The application meets all of the requirements for a Special Exception under Article 6.5.

On May 4, 2022, the Zoning Board of Adjustment decided by a vote of five (5) in favor (St. Peter, Poloian, DeMeo, Mills, Stephens) 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 822 Whittier Highway. with the following conditions:

- 1) Project shall obtain necessary state and local permits, to include site plan approval from the Planning Board and approval of a town building permit, and all conditions of such permits shall be perpetually complied with.
- 2) An approved building permit must be obtained prior to commencing construction and all necessary inspections shall be successfully completed prior to use.
- 3) All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
- 4) The applicant and owner are solely responsible to comply with conditions of approval.
- 5) Per RSA 674:33 and Article 6.5 of the Zoning Ordinance, approval expires on 5/4/2024 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 June 1, 2022, 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 five (5) in favor (Stephens, St. Peter, DeMeo, Poloian, Mills), none (0) opposed, and no abstentions.

The decision made to grant the variance on May 4, 2022, 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 H. Stephens
Chairman, Zoning Board of Adjustment

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