

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

## **Notice of Decision**

### **Request for Two Special Exceptions**

#### **Greenleaf Tree Experts, Brian Huey**

#### **Owner of Record; Steve Surdam /Tax Map 72, Lot 97**

**April 7, 2021**

**Applicant:** **Greenleaf Tree Experts, Brian Huey**

**Owner:** **Steve Surdam**

**PO Box 781**

**Moultonborough, NH 03254**

**Location:** **384 Governor Wentworth Highway (Tax Map 72, Lot 97)**

On April 7, 2021, the Zoning Board of Adjustment of the Town of Moultonborough held a remote public hearing on the application of Greenleaf Tree Experts (hereinafter referred to as the "Applicant" and/or "Owner") for an application for Special Exception under Article 6.3.1 and 6.5 to allow both Professional Services and Mixed Use for Professional Services and Two-Family Residential on the same lot on the parcel located in the Residential/Agricultural (R/A) zoning district.

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 384 Governor Wentworth Highway (Tax Map 72, Lot 97).
- 2) The owner of the record of lot is Steven and Alycia Surdam.
- 3) The lot is in the R/A Zoning District.
- 4) The existing site contains a two-family dwelling unit.
- 5) Kara Taylor presented the application to the Board.
- 6) There is an existing non-compliant business use on the property that has been the subject of a Code Enforcement violation for more than two years.
- 7) Two members of the public from the Heritage Commission spoke in opposition of the application during the Public Hearing.
- 8) Staff recommended granting the special exception with the following conditions: a) That the number of trucks, trailers and vehicles parked on the property does not increase from today's baseline number. b) That the applicant submits a site plan to the Planning Board no later than June 30, 2021. c) That the professional services use special exception cease when this tree service business leaves the property (when a new property is found).
- 9) Based on applying Staff's recommended conditions of approval, the Board discussed the criteria for a 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 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 parking of commercial vehicles.
- 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 Section 3.1.1 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 6.3.1.

On April 7, 2021, the Zoning Board of Adjustment voted by a roll call vote of five (5) in favor (Stephens, St. Peter, DeMeo, Jenny, Poloian) and none (0) opposed to grant the request for two special exceptions with the following conditions: 1) The total number of trucks, trailers and vehicles owned or operated by Greenleaf Tree Experts and parked on the property does not increase from the baseline number of seven (7) trucks, 2 trailers, 2 employee vehicles, as provided by the applicant to the Land Use Department on March 3, 2021 and depicted on the hand-drawn map submitted with the application; 2) The applicant submits a site plan to the Planning Board no later than September 30, 2021; 3) The professional services use special exception shall cease when this tree service business leaves the property (when a new property is found), and further, to close the Public Hearing.

The Board of Adjustment, on April 21, 2021, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of five (5) in favor (Stephens, St. Peter, DeMeo, Jenny, Hopkins), and none (0) opposed.

The decision made to Approve the special exception on April 7, 2021 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. Map Lot Document File  
Brian Huey, Greenleaf Tree Experts

Date: April 21, 2021