



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance - Density

RMH Bedford Capital, LLC /Map 169, Lot 60

April 21, 2021

**Applicant: RMH Bedford Capital, LLC
86 Tirrell Road
Bedford, NH 03110**

Location: 14 Lake Shore Drive, Moultonborough, NH (Tax Map 169, Lot 60)

On April 21, 2021, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application for RMH Bedford Capital, LLC (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance for relief from the Moultonborough Zoning Ordinance, Section 9.3.9 - Dimensional Standards Table to allow for 8 dwelling units where 6 are allowed on a parcel located in the West Village Overlay District (WVOD) Zoning District.

Based on the application, testimony given at the hearings, additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located on 14 Lake Shore Drive, Moultonborough, NH (Tax Map 169 Lot 60).
- 2) The Applicants are the owners of record for the lot.
- 3) The lot is in the West Village Overlay District (WVOD) Zoning District, and the multifamily residential use is a use allowed by right in the district.
- 4) The Applicants were represented by John Cronin of Cronin, Bisson & Zalinsky, P.C.
- 5) The Applicants are proposing construction of eight (8) dwelling units on the Property.
- 6) Six (6) dwelling units are allowed by right.
- 7) Several members of the public spoke in favor to the Variance request.
- 8) Granting the Variance would not be contrary to the public interest as the proposed number of units (8) are the same number of units that were originally on the Property.
- 9) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as stated in Item #8 above.

- 10) By granting the Variance, substantial justice would be done because there would be no gain to the public as the variance would be beneficial for lake water quality and would improve the quality of the surrounding area while keeping the same number of units that were there previously.
- 11) Granting the Variance would not diminish the value of surrounding properties as the proposed number of dwellings is not increasing as the property originally had eight (8) dwellings and they will be new construction which will increase the value of the subject property and thereby increasing neighborhood valuations.
- 12) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship because there were eight (8) existing units and the enactment of the WVOD was a taking of rights for the original number of buildings. Further, it is not fair as having to rehab the existing older cabins becomes a safety issue. The proposed use is reasonable as there is no increase in the number of units and the property will be used as it has been for decades.
- 13) On April 21, 2021, the Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, St. Peter, DeMeo, Jenny) and one (1) opposed (Hopkins) to grant the request for the variance as related to density subject to the following conditions: 1) All units shall be connected to the Bay Sewer District; 2) The formal Notice of Decision shall be recorded in the Carroll County Registry of Deeds prior to the issuance of Certificate of Occupancy for the units; 3) The total number of bedrooms should not exceed two (2) bedrooms per building for a total of sixteen (16), and further 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 May 5, 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, Poloian) and none opposed.

The decision made to grant the variance on April 21, 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

Date: May 5, 2021