



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

### **Notice of Decision**

#### **Request for Special Exception – Section 7.1.1**

**Moulton Harbor, LLC**

**Map 169, Lot 47**

**July 7, 2021**

**Applicant: Moulton Harbor, LLC  
74 Lake Shore Drive  
Moultonborough, NH 03254**

**Location: 76 Lake Shore Drive, Moultonborough, NH (Tax Map 169, Lot 47)**

On July 7, 2021, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Moulton Harbor, LLC (hereinafter referred to as the “Applicant” and/or “Owner”) for an application for special exception under Section 7.1.1 to permit a conversion of an existing use to condominium ownership on the parcel located in the West Village Overlay District (WVOD) at 76 Lake Shore Drive.

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

- 1) The property is located at 76 Lake Shore Drive (Tax Map 169, Lot 47).
- 2) The Applicant is the record owner of the property located at 76 Lake Shore Drive.
- 3) The Applicant was represented at the public hearing by Paul Fitzgerald of Wescott Law, PA.
- 4) The lot is located in the Commercial Zone A and the West Village Overlay Zoning Districts.
- 5) The regulations in the West Village Overlay District supersede those in the underlying Commercial A District.
- 6) No members of the public spoke in opposition to the project during the Public Hearing.

- 7) The Property is serviced by Bay Sewer District.
- 8) The applicants are proposing a condominium form of ownership for the property.
- 9) Site Plans of the Property were provided as part of testimony. There will be a total of twelve (12) units with twenty (20) bedrooms as stated for the record: Unit #1 – one bedroom, Unit #2 – one bedroom, Unit #3 – one bedroom, Unit #4 – one bedroom, Unit #5 – one bedroom, Unit #6 – two bedrooms, Unit #7 – four bedrooms, Unit #8 – one bedroom, Unit #9 – two bedrooms, Unit #10 – two bedrooms, Unit #11 – two bedrooms, Unit #12 – two bedrooms.
- 10) At the original June 16, 2021, public hearing, the hearing was continued to July 7, 2021, to allow the Board to conduct an onsite visit of the property which was held on June 30, 2021.
- 11) There will be no increase in the number of units.
- 12) The Applicant stated that there will be no increase in the number of bedrooms per unit as stated for the record.
- 13) The use meets current standards for septic and water systems.
- 14) Final condominium documents have been filed with the Land Use Department for review by Town Counsel.
- 15) The applicant has filed a Planning Board application for subdivision approval.
- 16) The application meets the provisions of the requirements for a Special Exception under Sections 7.1.1.1, 7.1.1.2 and 7.1.1.3. Sections 7.1.1.4 and 7.1.1.5 are subject to Planning Board approval.

On July 7, 2021, the Zoning Board of Adjustment voted by a vote of five (5) in favor (St. Peter, Poloian, DeMeo, Hopkins, Stephens) and none (0) opposed to grant the request for a Special Exception conditional upon Sections 7.1.1.4 and 7.1.1.5 being completed and approved by the Planning Board with the following conditions: 1. The site plan shall be revised to label the number of bedrooms that correspond with the specified unit as provided in testimony and to be recorded here for use by the Planning Board upon submission of a condominium plan. 2. If an existing structure is deemed the need to be repaired or replaced, it shall be surveyed/pinned prior to the issuance of a building permit to verify the size and location of the footprint. 3. Revise Condominium Documents adding language prohibiting daily short term rentals (such as Airbnb, vrbo), and further, to close the Public Hearing. The Board moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at their next meeting.

The Board of Adjustment, on July 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 (St. Peter, Poloian, DeMeo, Mills, Stephens) and none (0) opposed.

The decision made to Approve the special exception on July 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.

A handwritten signature in blue ink, reading "Robert H. Stephens", is written over a horizontal line.

Robert H. Stephens  
Chairman, Zoning Board of Adjustment

cc. Paul Fitzgerald (by email only at [pfitzgerald@wescotllawnh.com](mailto:pfitzgerald@wescotllawnh.com))  
Steve Zalewski (by email only at [szalewski@moultonboroughnh.gov](mailto:szalewski@moultonboroughnh.gov))  
Map Lot Document File