



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision - REHEARING

Request for Special Exception – Section 7.1.1

RMH Bedford Capital, LLC

Map 169, Lot 60

July 7, 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 July 7, 2021, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing for a rehearing on the application of RMH Bedford Capital, 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 14 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 14 Lake Shore Drive (Tax Map 169, Lot 60).
- 2) The Applicant is the record owner of the property located at 14 Lake Shore Drive.
- 3) The Applicant was represented at the public hearing by John G. Cronin of Cronin, Bisson & Zalinsky, P.C. Peter Grenier and Anthony Dionne were present at the public hearing.
- 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 Applicant received a Variance on April 21, 2021, for eight (8) residential dwelling units on the Property, with a maximum of two (2) bedrooms per building, for a total of sixteen (16) bedrooms.
- 8) The Property is serviced by Bay Sewer District.
- 9) The Applicant has received a NHDES Shoreland Impact Permit 2020-01940 to impact 22,793 SF of protected shoreland in order to repair/replace existing cabins and foundations, install new utilities, and construct wooden handicapped-accessible walkways to access the property.
- 10) The applicants are proposing a condominium form of ownership for the property.
- 11) Attorney Cronin noted this was a Rehearing for a special exception on the Property.
- 12) At the original June 2, 2021, public hearing, the Applicant received a Special Exception to permit the conversion of the Property to a condominium form of ownership.
- 13) On June 16, 2021, the Board voted to rehear the application with respect to their June 2, 2021 special exception allowing the conversion of the Property to a condominium form of ownership because of member confusion about the facts, and what they felt was insufficient information tendered by the applicant.
- 14) There will be no increase in the number of units.
- 15) The Applicant stated that there will be no increase in the number of bedrooms per unit (two) that was granted by the ZBA on April 21, 2021.
- 16) The use meets current standards for septic and water systems.
- 17) Final condominium documents have been filed with the Land Use Department for review by Town Counsel.
- 18) The applicant has not filed a Planning Board application for subdivision approval.
- 19) 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, Jenny, 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, subject to the following conditions: A site visit to be held Friday, July 9, 2021, beginning at 9:00 AM for verification of the testimony provided at the hearing on July 7, 2021 and that concerns expressed in the presentation are validated, 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 (DeMeo, Mills, St. Peter, Poloian, 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. John G. Cronin (by email only at jcronin@cbzlaw.com)
Steve Zalewski (by email only at szalewski@moultonboroughnh.gov)
Map Lot Document File