



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception – Article VI.C

Paula Anna Markus Foundation /Tax Map 91, Lot 2

July 15, 2020

Applicant: **Bank of America**
c/o Douglas Bechtel
Paula Anna Markus Foundation
Paula Anna Markus Trustee
100 Federal St, MA5-100-04-05
Boston, MA 02110

Location: **183 Lees Mill Road (Tax Map 91, Lot 2)**

On July 15, 2020 the Zoning Board of Adjustment of the Town of Moultonborough held a remote public hearing on the application of the Paula Anna Markus Foundation, Paula Anna Markus Trustee c/o Douglas Bechtel/Bank of America for the Loon Preservation Center (hereinafter referred to as the “Applicant” and/or “Owner”) for an application for a Special Exception from Moultonborough Zoning Ordinance Article VI.C (Table of Permitted Uses) and Article VI.E. for a mixed use on the existing lot consisting of seasonal residential & storage use and office/retail space on a parcel located in the Residential/Agricultural Zoning District at 183 Lees Mill Road.

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 183 Lees Mill Road (Tax Map 91, Lot 2)
- 2) The Paula Anna Markus Foundation is the owner of record for the lot.
- 3) The Applicant was represented by Carl R. Johnson, Jr. LLS #794.
- 4) The lot is located in the Residential/Agricultural (RA) Zoning District.
- 5) A portion of the lot is located in the Ground Water Protection Overlay District.
- 6) The existing site contains a wildlife sanctuary and loon preservation center with a gift shop. A new building is proposed for seasonal residential use.
- 7) The business use on the property has been in operation since 1993.
- 8) One (1) abutter submitted a letter in favor of the application.
- 9) Several members of the public spoke in favor of the project during the remote Public Hearing.

- 10) The specific site is an appropriate location for the use as it an expansion to an existing use and will be largely screened with natural vegetation.
- 11) The use is compatible with the character of the neighborhood in the Residential Agricultural Zone as it is an expansion to an existing low impact use. The new structure will be for seasonal staff/professional associates housing and storage, resulting in a low impact on a large parcel.
- 12) The property values in the district will not be negatively impacted by the use in the district due to the low impact nature of the project.
- 13) There will be no nuisance or hazard to pedestrians or vehicles from any activity conducted on the site as there will be no additional traffic to the site because of the project.
- 14) There will be no additional burden on Town infrastructure or services by the proposed project.
- 15) The proposed use complies with the minimum land space requirements of Article III, Table I.
- 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 there will be no increase in staff or use of the property.
- 17) The Loon Center has an existing hard-wired fire alarm system and the new field house will have fire-rated construction and will also have an alarm system that will comply with whatever the life safety code will require.
- 18) The application meets all the requirements for a Special Exception under Article VI E.

On July 15, 2020, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, St. Peter, DeMeo, Jenny) and none (0) opposed to grant the request for a special exception for the Paula Anna Markus Foundation, Tax Map 91, Lot 2 for a mixed use, with the following conditions: 1) The seasonal housing be for Loon Preservation Center staff and professional associates only; 2) Submittal of proof that the well water meet any and all regulatory thresholds that may apply for both business and residential use, 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 August 5, 2020, 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, Bickford, DeMeo, Jenny, Hopkins) and none (0) opposed.

The decision made to Approve the special exception on July 15, 2020, 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: August 6, 2020

cc. Carl. R. Johnson (by email only at surveyor794@yahoo.com)
Harry Vogel (by email only at hvogel@loon.org)
Map Lot Document File