



Town of Moultonborough
PO Box 139 – 6 Holland Street
Moultonborough, NH 03254
(603) 476-2347

Zoning Board of Adjustment Notice of Decision

**Appeal from Administrative Decision of the Code Enforcement Officer's July 3, 2019,
"administrative decision concerning property usage" letter**

September 4, 2019

Applicant: Charles R. Purse, Manager, Peak Index, LLC
P.O. Box 201
Melvin Village, NH 03850
Location: 1277 Governor Wentworth Highway, Moultonborough, NH (Tax Map 183, Lot 1)

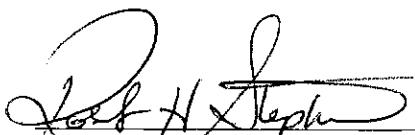
On September 4, 2019, the Zoning Board of Adjustment of the Town of Moultonborough held a public hearing on the application of Charles R. Purse, Manager, Peak Index, LLC (hereinafter referred to as the "Applicant" and/or "Owner") for an appeal of the Code Enforcement Officer's July 3, 2019, "administrative decision concerning property usage" letter.

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 1277 Governor Wentworth Highway, Moultonborough, NH (Tax Map 183, Lot 1)
- 2) The applicant is the owner of record for the lot.
- 3) The applicant was represented by Atty. James P. Cowles of Walker & Varney P.C.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The Applicant's contractor, Wood & Clay, Inc, applied for a building permit for the project.
- 6) The Code Enforcement Officer (CEO), Steve Zalewski, issued Building Permit No. 8134 for Shooting Platform (#1) and Building Permit No. 8135 for Shooting Platform (#2), both on November 8, 2018.

- 7) The applicant's property is used, in part, to shoot clay pigeons and skeet. There are multiple stands and target machines located on the property, which are used for the shooting activity.
- 8) Code Enforcement Officer Steve Zalewski stated that he concluded that the current shooting activity constitutes a high impact outdoor recreational use, and as such requires a special exception under the Town of Moultonborough Zoning Ordinance. He also gave a brief history of the issuance of the building permits (#8134 and #8135). In closing Mr. Zalewski urged the Board to deny the appeal as requested.
- 9) The applicant argued that the shooting activity should be categorized as a low impact outdoor recreational use, which is allowed in the zoning district as a matter of right.
- 10) Several individuals, both abutters and other nearby residents, testified that the noise from the shooting activity was bothersome, and that they heard the shooting on multiple occasions.

Based on the evidence presented, the Board of Adjustment voted five (5) in favor (Stephens, Bickford, St. Peter, DeMeo, Jenny) and none (0) opposed, to deny the Applicant's appeal and uphold the "administrative decision concerning property usage" of the Code Enforcement Officer for Map 183, Lot 1 located at 1277 Governor Wentworth Highway. The reason for this decision was that the ZBA concluded that the impact of the applicant's activity did not meet the definition of low impact outdoor recreational use, but rather is more accurately characterized as a high impact use. As a result, the applicant must apply for a special exception in order to conduct the use.



Robert H. Stephens
Chairman, Zoning Board of Adjustment



Date 9/9/19