



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Variance** **Richard & Sheena Abbott/Tax Map 68, Lot 8**

May 6, 2019

Applicant: **Richard & Sheena Abbott**

PO Box 993

Moultonborough, NH 03254

Location: **252 Governor Wentworth Highway (Tax Map 68, Lot 8)**

On May 1, 2019, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Richard & Sheena Abbott (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article VI, C (Table of Permitted Uses) requesting to permit the operation of a commercial use for the inside storage of event equipment and the washing of dinnerware on the parcel located in the Residential Agricultural (R/A) Zoning District at 252 Governor Wentworth Highway.

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 252 Governor Wentworth Highway (Tax Map 68, Lot 8)
- 2) The applicants are the owners of record for the lot.
- 3) Richard and Sheena Abbott presented their application to the Zoning Board of Adjustment.
- 4) The lot is located in the Residential Agricultural (R/A) Zoning District.
- 5) The lot is subject to the Ground Water Protection Overlay District requirements contained in the Moultonborough Zoning Ordinance.
- 6) The existing site contains a single-family dwelling unit, garage and barn.
- 7) The applicant is proposing a commercial use for the inside storage of event equipment and the washing of dinnerware.
- 8) Two members of the public spoke to the Variance request (as described in the minutes).

- 9) Granting the Variance would not be contrary to the public interest as the proposed use will not alter the essential character of the neighborhood because there is no significant change to the buildings and most of the operation will be inside the garage and barn. The proposed use is low impact with commercial uses in the neighborhood.
- 10) Granting the variance would be consistent with the spirit of the Ordinance for the same reason as stated above.
- 11) A variance is required because the use is not listed in the table of uses in the zoning ordinance. There is less gain to the public by denying the variance as the proposed use is will have minimal impact in the Residential Agricultural (R/A) Zoning District.
- 12) Granting the Variance would not diminish the value of surrounding properties as the property because there is no substantial change to the site, and most of the business is to be inside the barn and garage, and the truck will be parked behind those buildings.
- 13) The board felt that the use was not excluded but omitted from the Table of Uses when the zoning ordinance was written. The proposed use is a reasonable one because it is low impact, especially when compared to similar buildings in the neighborhood.

On May 1, 2019, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, DeMeo, Jenny, Buy) and none (0) opposed to grant the request for the variance as requested, subject to the following conditions: 1) The installation of either an indoor grease dipper or an exterior 1000 gallon grease tank; 2) The "U" shaped driveway shall be maintained year round; 3) Extending the screening along the abutting westerly property line (TM 68-7) from the northern corner of the abutter's home, running southerly to the corner of the barn; 4) No store front/retail on the site; 5) No signage for the business, 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 their next meeting.

The Board of Adjustment, on July 17, 2019, 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).

The decision made to Approve the Variance on May 1, 2019 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 7/18/19