



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision **Request for Special Exception – Commercial Use** **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") for an application for Special Exception under Article VII.D to allow 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 Groundwater 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 proposed commercial use is for the inside storage of event equipment and the washing of dinnerware.
- 8) The business use on the property was approved by a variance on April 16, 2019. The property will require site plan approval by the Planning Board.

- 9) Two (2) abutters noted their concerns (as described in the minutes) with the request for a special exception.
- 10) No other members of the public wished to speak during the Public Hearing.
- 11) The specific site is an appropriate location for the use as it is located adjacent to other commercial businesses. The existing barn is located in excess of 50 feet from the property line with a natural vegetative buffer.
- 12) The use is compatible with the character of the neighborhood in the Residential Agricultural Zone as the structures exist, the activity will be internal, and there are other commercial businesses in the neighborhood.
- 13) The property values in the district will not be negatively impacted by the use in the district as they are rebuilding the dilapidated garage, storage will be in the barn and with the condition of approval for the granting of the variance regarding screening.
- 14) There will be no nuisance or hazard to pedestrians or vehicles from any activity conducted on the site with the utilization of the "U" shaped driveway eliminates the need for backing in/out onto the street and minimal traffic.
- 15) There will be no additional burden on Town infrastructure or services by the proposed operation.
- 16) The proposed use complies with the minimum land space requirements of Article III, Table I.
- 17) The capacity of existing roads to carry related traffic is sufficient to allow for the operation of the site as proposed without the need for upgrades or repairs of the roadway.
- 18) The application meets all of the requirements for a Special Exception under Article VI E.

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 for a special exception for commercial use for the inside storage of event equipment and the washing of dinnerware, 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 special exception 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