



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision** **Request for Temporary Use Special Exception** **Corner Concessions** **Map 52, Lot 33**

**May 4, 2018**

**Applicant:** **Corner Concessions**

**P.O. Box 1034**

**Moultonborough, NH 03254**

**Location:** **1009 Whittier Highway, Moultonborough, NH (Tax Map 52, Lot 33)**

On May 2, 2018, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Corner Concessions (hereinafter referred to as the "Applicant" and/or "Owner") for an application for a Temporary Use Special Exception under MZO Article XI. C to allow the use of a mobile hot dog/ice cream cart on the parcel located in the Village C Zoning District at 1009 Whittier Highway.

Based on the application, testimony given at the hearing, and supporting documentation, the Board hereby makes the following findings of fact:

- 1) The property is located at 1009 Whittier Highway, Moultonborough, NH (Tax Map 52, Lot 33).
- 2) Lamprey-Porter House, LLC is the owner of record for the lot.
- 3) The lot is located in the Village C Zoning District.
- 4) The proposal is to allow the use of a mobile hot dog/ice cream cart on the lot.
- 5) Robin Lamprey and Tricia Conway presented the application to the Board.
- 6) No other members of the public spoke at the Public Hearing.
- 7) The specific site was considered to be an appropriate location for the use as it is located adjacent to other commercial businesses in a commercial zoning district.
- 8) The use was deemed compatible with the character of the neighborhood in the Commercial C Zoning District as it is located adjacent to other commercial businesses in a commercial zoning district.

- 9) The property values in the district will not be negatively impacted by the use in the district because uses such as these are expected by property owners and consistent with the theme of nearby tourist and food uses.
- 10) 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 because there will be little to no use generated trips. The trips will be existing ones already on the highway. The Police Chief reported no known problems from the previous year's Temporary Special Exception.
- 11) On May 2, 2018, the Zoning Board of Adjustment voted, by a vote of five (5) in favor (Stephens, Bickford, St. Peter, Jenny, Hopkins) and none (0) opposed, to grant the request for a temporary use special exception, with the following conditions: 1) The Limited Special Exception /Temporary Use be allowed for not longer than 12 months; 2) The occupancy and use shall be of a temporary nature, with no expectation of becoming permanent; 3) That the proposed use be located as per Site Plan dated April 27, 2017 and as previously approved by the Planning Board, 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 May 16, 2018, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision, send to the applicant and place same in the case file by a vote of four (4) in favor (Stephens, Bickford, St. Peter, Jenny), none (0) opposed and one (1) abstention (DeMeo).

The decision made to grant the variance on May 2, 2018, 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.



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Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date 5/17/18