



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

### **Notice of Decision**

#### **Request for Special Exception**

**Kevin Quinlan/ Balmoral Improvement Association/Tax Map 99, Lot 102**

**February 7, 2017**

**Applicant: Kevin Quinlan  
Balmoral Improvement Association  
PO Box 625  
Moultonborough, NH 03254**  
**Location: 294 Paradise Drive (Tax Map 99, Lot 102)**

On January 4, 2017, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Kevin Quinlan (hereinafter referred to as the "Applicant" and/or "Owner") for an application for Special Exception under Article VI (D) & (E) to allow for parking and storage for the property located in the Residential / Agricultural Zoning District.

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 294 Paradise Drive (Tax Map 99, Lot 102)
- 2) Joseph Costa is the owner of record for the lot.
- 3) Kevin Quinlan, President of Balmoral Improvement Association was the applicant.
- 4) The applicant was represented by Dan Ellis of Ames Associates.
- 5) The lot is located in the Residential / Agricultural Zoning District.
- 6) The existing site contains a residential garage.
- 7) Abutters James and Carol Gourgoumis noted their concerns and opposed the project.
- 8) The ZBA had concerns at the January 4<sup>th</sup>, 2017 meeting with both criteria 1 and 2, relating to the required buffer as stated in the Zoning Ordinance "shall be screened from view on all sides by a vegetated buffer of not less than fifty (50) feet in width".

- 9) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, St. Peter, Hopkins, Jenny), and none (0) opposed to continue the Public Hearing to February 1, 2017, allowing the Board the opportunity to seek an opinion from Counsel regarding the Criteria in question, and if it would require a variance.
- 10) The ZBA re-opened the continued Public Hearing at the February 1<sup>st</sup> meeting with the Chairman stating that it was determined that a Variance was necessary to address the 50-ft. setback requirement and that was adjudicated in the prior hearing in which the Board granted the Variance.
- 11) The Board discussed the option of placing restrictions in the Notice of Decision if the Special Exception were to be granted. The conditions would include the hours of operation as specified to be 6:30 AM to 10:30 PM, Saturdays, Sundays and holidays; The lot will be locked with a bar gate; The installation of a 3-ft. high berm, housing 12-ft. vegetation sufficient to block light pollution on the abutting property; and strongly suggesting the enforcement of a no parking ban on Pleasure Lane.
- 12) The specific site is an appropriate location for the use due to its proximity to the beach lot and the fact that the lot is bordered on three sides by road and is directly abutted by residential properties on only one side and the property is surrounded by road except for the northeast side. Other than construction of the entrance and exit drives, there are no changes proposed within 50' of the bordering residential properties (99-103 & 99-146), except that we are proposing to install a screening fence and several Arborvitae to provide a buffer between the parking area and the neighboring residences. We are further proposing a landscape buffer surrounding the parking area, as shown on the plan, to provide a visual buffer to the properties across the street. The proposed parking is intended for beach goers and as such there will be very little (if any) use at night, so headlights should not be a concern.
- 13) The use is NOT compatible with the character of the neighborhood in the Residential / Agricultural District the proposed use, and will NOT alleviate parking issues on the street.
- 14) The property values in the district will not be negatively impacted by the use in the district as alleviating the current parking issues by providing a separate overflow lot which is visually buffered from surrounding properties is thought to be an improvement over the existing conditions and therefore there should be no negative impact on surrounding property values.
- 15) There will be no nuisance or hazard to pedestrians or vehicles from any activity conducted on the site as the proposed use should improve what can currently be a hazardous condition during periods of intense beach use. The proposed parking area and walkway / crosswalk should provide a safer arrangement for vehicles and pedestrians.
- 16) There will be no additional burden on Town infrastructure or services by the proposed operation.
- 17) The proposed use complies with the minimum land space requirements of Article III, Table I.
- 18) The capacity of existing roads to carry related traffic is sufficient to allow for use as the proposed parking area is to serve existing beach use and will not result in increased traffic.
- 19) The site has on-site fire protection facilities is not applicable in the proposal as there are no buildings proposed. The existing garage will be used for storage only and is not for human occupancy.

20) The application did not meet all the requirements for a Special Exception under Article VI E.

On February 1, 2017, the Zoning Board of Adjustment voted by a vote of four (4) in favor (Nolin, St. Peter, Jenny, Hopkins) and one (1) opposed (Stephens) to deny the request for a special exception and to close the Public Hearing.

The Board of Adjustment, on February 15, 2017, 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 four (4) in favor (Stephens, Nolin, St. Peter, Jenny), one (1) abstention (Bickford) and none (0) opposed.

The decision made to deny the special exception on February 1, 2017 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 2-16-17