



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

### **Notice of Decision**

#### **Request for Multiple Variances**

#### **Mark and John Stephens/Tax Map 135, Lot 16**

**December 12, 2016**

**Applicant:** Mark and John Stephens  
158 Bean Road  
Moultonborough, NH 03254

**Location:** 62/70 Moultonboro Neck Road (Tax Map 135, Lot 16)

On December 7, 2016, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Mark and John Stephens (hereinafter referred to as the "Applicant" and/or "Owner") for an application for Variances from MZO Articles VI.A.4, VI.C and VI.D and, to the degree applicable VI.E.1.b to allow non-retail commercial greenhouses, offices, storage and maintenance facilities, and seasonal employee housing associated with Stephens Landscaping Professionals, LLC's Route 25 facilities on the parcel located in the Residential Agricultural (RA) Zoning District at 62/70 Moultonboro Neck Road.

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

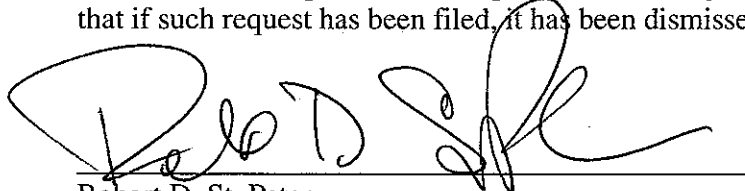
- 1) The property is located at 62/70 Moultonboro Neck Road (Tax Map 135, Lot 16)
- 2) The owner of the record of lot is Gloria R. Avery, Trustee of the Gloria R. Avery 2001 Revocable Trust u/a/d June 12, 2001.
- 3) Mark and John Stephens were the applicants.
- 4) The lot is in the Residential Agricultural (RA) Zoning District.
- 5) The applicants were represented by Attorney Christopher Boldt of Donahue, Tucker & Ciandella, PLLC.
- 6) The existing site consists of 52 +/- acres, a large garage/office building and a two-bedroom house.
- 7) The prior commercial use on the property 'Avery Trucking and Gravel Pit' closed during the late 1980's.

- 8) One (1) abutter questioned the need for a variance.
- 9) No other members of the public wished to speak during the Public Hearing.
- 10) Granting the Variance would not be contrary to the public interest since the Proposed use does not alter the essential character of the neighborhood and the use is keeping with other properties in the neighborhood.
- 11) Granting the Variance would be consistent with the spirit of the Ordinance as stated in the first criteria the Proposed use does not alter the essential character of the neighborhood and the use is keeping with other properties in the neighborhood.
- 12) By granting the Variance, substantial justice would be done as it would allow the Applicant to redevelop this former commercial site as noted in their application and stated in testimony. There is no gain to the general public if the Variance is denied and there would be substantial injustice to the applicant.
- 13) Granting the Variance would not diminish the value of surrounding properties in keeping with both the residential character and commercial uses of the neighborhood properties as the Proposed redevelopment fits the neighborhood and will add value to the Property and will not diminish surrounding property values.
- 14) Special conditions of the Property distinguish the Property from other properties in the area and include: The large size of the lot; the location of the lot, near Route 25, and with other commercial uses in the area; the current "as built" conditions of the site, the former Avery Trucking/Gravel Pit Office/Garage building, residential structure and associated paving and driveways; Its history of a clean-up of prior underground storage tanks and existing monitoring wells; and Its composition with both significant uplands

On December 7, 2016, the Zoning Board of Adjustment voted by a vote of five (5) in favor (St. Peter, Nolin, DeMeo, Jenny, Hopkins) and none (0) opposed to grant the request for Variance from Articles VI.A.4, VI.C, VI.D and to the degree applicable, Article VI.E.1.b as described in their application with the following conditions: 1) Site Plan approval from the Planning Board; 2) Any necessary NH DES approvals; 3) All best management practices be employed; and further, to close the Public Hearing.

The Board of Adjustment, on January 4, 2017, approved this formal Notice of Decision language and authorized then acting 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 (St. Peter, Nolin, Jenny, Hopkins, DeMeo), none (0) opposed.

The decision made to Approve these Variance on December 7, 2016 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 D. St. Peter  
Acting Chairman, Zoning Board of Adjustment

Date 1/5/17