



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception – Section 6.5

Big Dog Holdings, LLC Map 18, Lots 37, 39 & 40

April 5, 2023

Applicant: **Big Dog Holdings, LLC
125 Governor Wentworth Highway
Moultonborough, NH 03254**

Location: **Whittier Highway, Moultonborough, NH (Tax Map 18, Lots 37, 39 & 40)**

On April 5, 2023, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Big Dog Holdings, LLC (hereinafter referred to as the “Applicant”) for an application for a Special Exception under MZO Section 6.5 to allow for a bulk fuel plant consisting of below and above ground fuel storage tanks, a fuel loading shed, office building with attached garage and associated parking and utilities on a parcel located in the Commercial Zone B on Whittier 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 properties are located on Whittier Highway, Moultonborough, NH (Tax Map 18, Lot 37, 39 & 40).
- 2) Big Dog Holdings, LLC is the owner of the record for the lot.
- 3) The lot is located in the Commercial Zone B zoning district.
- 4) Prior to public input, the Zoning Board of Adjustment voted three (3) in favor (McDonough, DeMeo, Stephens and two opposed (Poloian, St. Peter) that the proposal did not have the potential for Regional Impact.
- 5) The proposal is to allow for a bulk fuel plant consisting of below and above ground fuel storage tanks, a fuel loading shed, office building with attached garage and associated parking and utilities.
- 6) David Frothingham, P.E. from Wilcox & Barton presented the application to the Board. Present in the audience were Richard Annaian and John Annaian.
- 7) Members questioned if there would be trucks stored on the site, if there would be refilling of propane cylinders to the public on site, as well as the hours of operation.

- 8) Members questioned the size of the lots, and the size of the proposed structure, as well as the proposed lot coverage.
- 9) One member of the Conservation Commission questioned if the proposed use was an appropriate use for the site, noting concerns with possible contamination from the underground storage tanks in close proximity to the Halfway Brook stratified drift aquifer and the Shannon Brook aquifer.
- 10) The specific site is an appropriate location for the use as the site is located in the commercial zone, the use is a commercial activity, is located adjacent to other commercial businesses, and will be screened by a vegetated buffer of not less than fifty (50) feet in width.
- 11) The use is compatible with the character of the neighborhood as it is adjacent to other commercial businesses and is located in the Commercial B Zoning District.
- 12) The property values in the district will not be negatively impacted or reduced by such a use as it is a commercial use located in Commercial Zone B, and there was no testimony to the alternative.
- 13) There will be no nuisance or serious hazard to vehicles or pedestrians from any activity generated from the site based on testimony that there is a plan for separation, isolating and keeping separate as well as providing safety protection.
- 14) Adequate and appropriate facilities will be provided for the operation of the proposed use as the site will include a monitoring system, access for the Fire Department, a pond onsite, and a cistern on the abutting property.
- 15) The use will comply with minimum land space requirements subject to the condition that Lots 39 & 40 being merged.
- 16) The capacity of existing roads to carry related traffic is adequate as it is located on Route 25.
- 17) The site must have on-site fire protection facilities and will be subject to obtaining written confirmation from the Fire Chief that they meet any necessary fire code.
- 18) The application meets all the requirements for a Special Exception under Article 6.5.

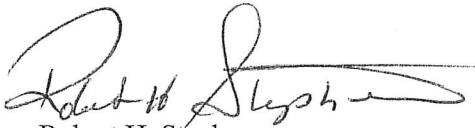
On April 5, 2023, the Zoning Board of Adjustment decided by a vote of five (5) in favor (McDonough, DeMeo, Poloian, St. Peter, Stephens) and none (0) opposed, to grant the request for a special exception with the following conditions:

- 1) The lots shall be merged to comply with Section 6.2.5.7, minimum land space requirements.
- 2) Written confirmation from the Fire Chief relating to Section 6.5.2.9 confirming that the proposal onsite fire protection facilities comply with current codes and requirements.
- 3) Project shall obtain necessary state and local permits, and all conditions of such permits shall be complied with.
- 4) All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
- 5) Any improvements, expansions, or changes to the property, including, but not limited to signage or lighting, shall require site plan approval.
- 6) Per RSA 674:33, approval expires on 4/5/2025 if use is not substantially acted on.

Further, the Board voted 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 April 19, 2023, 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 (DeMeo, Poloian, St. Peter, Stephens), and one (1) abstention (Mills).

The decision made to grant the special exception on April 5, 2023, 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

cc. Scott Dvorak – Building Inspector (by email only at sdvorak@moultonboroughnh.gov)
Map Lot Document File

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